

# Factsheet: Dealing with Local Court forms in debt cases

This factsheet provides information on how to file and serve forms in the Local Court of New South Wales in debt cases.

## Where can I get Local Court forms?

Cases about debts are called civil claims. You can get Local Court civil claim forms from the Registry (office) of a Local Court. The Local Court website has a list of Local Courts in NSW and their addresses. You can also get Local Court forms for civil claims from the [UCPR Forms website](#).

## Where can I get help to fill in Local Court forms?

Court staff cannot give legal advice and can only give general information about filling out court forms. They cannot tell you what to write in the court forms.

The chamber service at your nearest Local Court may be able to provide information about court process and provide some help filling out court forms. However, they cannot give legal advice.

You may be able to get help to fill in court forms from a community legal centre or legal aid office.

The [LawAccess NSW website](#) has instructions for filling in Local Court civil claim forms and sample forms.

[LawAccess NSW](#) also offers a free telephone service that provides legal information, referrals and in some cases advice for people who have a legal problem in NSW.

If you require an interpreter to understand a form, you can call the Translating and Interpreting Service (TIS National) on **13 14 50** to make an enquiry.

Some forms need to be signed in front of a witness such as a Justice of the Peace, a solicitor or a Clerk of the Court.

## How do I file the forms?

Forms can be filed in person at your Local Court Registry, by mail or electronically.

When you have filled out and signed the forms, you need to make copies so that everyone involved in the case has one.

You can file the form in person by taking the original signed form and copies to the Local Court registry named on the Statement of Claim. If you are filing a new Statement of Claim, you can file it at your nearest Local Court. The Court officer will stamp the original form and the copies. The court will keep the original form and return the stamped copies to you.

You can also send the form and copies to the court by mail, and the court will return the stamped copies to you by mail.

If you do send the documents by mail, you may consider sending them by registered post as you will get a receipt for the documents and be able to track them if necessary.

You can also file forms electronically through the **NSW Online Registry website**. A stamped copy will be sent to you by email once the court accepts the electronic filing. The **NSW Online Registry** has "How To" videos that provide helpful information on filing court forms online.

A form with the court stamp on it is called a sealed copy. It is important to keep a sealed copy.

### **Will I have to pay a filing fee?**

Fees are payable for filing some but not all court forms. Fees can vary. For example, there is no fee for filing a Defence. Current court fees are listed on the **Local Court website**. There are no additional fees when filing online.

If you get Centrelink benefits, or you are in financial hardship and cannot afford the fee, you can apply to have a filing fee waived or postponed until the end of the case. You can access the application form and guidelines on the **Local Court website**.

### **How do I serve Local Court forms?**

Serving documents means providing them to the other people in the case. Almost all documents filed in a court case must be served on the other person or people involved in the case.

There are court rules about how to serve documents. In some cases, serving must be done in person but in other cases it can be done by mail.

If the document has to be served in person, you do not necessarily have to be the person to serve the document.

If the other person in your case has a solicitor acting for them, you must serve the documents on the solicitor or the solicitor's office address. If the other party is a company and does not have a solicitor acting for them, you must serve the documents on the company's registered office.

You should find the address for service on the Statement of Claim or Defence.

You can get more information from a community legal centre, a legal aid office or LawAccess.

### **I don't have an address for the other person. How can I serve them?**

You can apply to the court for "substituted service". This means that the court can, in certain cases, give permission for you to serve a document in a way that is not usually allowed by the court rules. To do this, you will need to provide evidence that you have been unable to serve the other person in one of the ways provided by the court rules, and identify how the document that you are trying to serve can otherwise be brought to their attention. Examples of substituted service would be sending the document to a relative, workplace or email address of the person. You should seek legal advice before making an application for substituted service.

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