

6 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.lawlink.nsw.gov.au/lc and access the relevant fact sheet.

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

Types of claim applicable to Supreme Court proceedings	Notes
Administrative law - Inherent power of court or under common law (Individual rights)	<p>An application to require a public officer or body to perform a public duty or to restrain a public officer or body from performing any act or to determine any matter concerning the power of a public officer or body, where that public officer or body's decision will affect your individual rights, and where the application is not pursuant to the provisions of legislation.</p> <p>Applications of this type are generally made in the Administrative Law List of the Common Law Division. For assignment of business to the Administrative Law List and other Lists in the Supreme Court see UCPR 45.3 and Schedule 8.</p>
Administrative law - Inherent power of court or under common law (collective rights)	<p>An application to require a public officer or body to perform a public duty or to restrain a public officer or body from performing any act or to determine any matter concerning the power of a public officer or body, where that public officer or body's decision will affect the rights of more than one person, and where the application is not pursuant to the provisions of legislation.</p> <p>Applications of this type are generally made in the Administrative Law List of the Common Law Division. For assignment of business to the Administrative Law List and other Lists in the Supreme Court see UCPR 45.3 and Schedule 8.</p>

Types of claim applicable to Supreme Court proceedings	Notes
Administrative law - Inherent power of court or under common law (financial rights)	<p>An application to require a public officer or body to perform a public duty or to restrain a public officer or body from performing any act or to determine any matter concerning the power of a public officer or body, where that public officer or body's decision will specifically affect a financial right, and where the application is not pursuant to the provisions of legislation.</p> <p>Applications of this type are generally made in the Administrative Law List of the Common Law Division. For assignment of business to the Administrative Law List and other Lists in the Supreme Court see UCPR 45.3 and Schedule 8.</p>
Administrative law - Review decision arising under statute (individual rights)	<p>An application to review a decision of a public officer or body that affects your individual rights pursuant to a statutory provision that provides for the review of that decision.</p> <p>Applications of this type are generally made in the Administrative Law List of the Common Law Division. For assignment of business to the Administrative Law List and other Lists in the Supreme Court see UCPR 45.3 and Schedule 8.</p>
Administrative law - Review decision arising under statute (collective rights)	<p>An application to review a decision of a public officer or body that affects the rights of more than one person pursuant to a statutory provision that provides for the review of that decision.</p> <p>Applications of this type are generally made in the Administrative Law List of the Common Law Division. For assignment of business to the Administrative Law List and other Lists in the Supreme Court see UCPR 45.3 and Schedule 8.</p>
Administrative law - Review decision arising under statute (financial rights)	<p>An application to review a decision of a public officer or body that affects a financial right in particular pursuant to a statutory provision that provides for the review of that decision.</p> <p>Applications of this type are generally made in the Administrative Law List of the Common Law Division. For assignment of business to the Administrative Law List and other Lists in the Supreme Court see UCPR 45.3 and Schedule 8.</p>

Types of claim applicable to Supreme Court proceedings	Notes
Administrative Law - other	<p>An application relating to arising from a duty, act or decision of a public officer or body where the application cannot be categorised as one of the other types of Administrative Law claims.</p> <p>Applications of this type are generally made in the Administrative Law List of the Common Law Division. For assignment of business to the Administrative Law List and other Lists in the Supreme Court see UCPR 45.3 and Schedule 8.</p>
Children, Family and De Facto Relationships - Adoption	<p>An application for the adoption of a child.</p> <p>These applications are entered in the Adoptions List in the Equity Division.</p>
Children, Family and De Facto Relationships - Care & Protection - Care and Protection - Guardianship	<p>An application to appoint a guardian of a child or of a person unable to manage their affairs or an application in relation to the estate of a protected estate pursuant to the <i>Protected Estates Act 1983</i>. Applications for the appointment of a guardian pending the adoption of a child are made in the Adoptions List in the Equity Division. Applications for the appointment of a guardian pursuant to the <i>Guardianship Act 1987</i> or any applications pursuant to the <i>Protected Estates Act 1983</i> are made in the Protective List in the Equity Division.</p>
Children, Family and De Facto Relationships - Paternity - Declaration of paternity	<p>An application seeking a declaration as to the paternity of a child under s. 21 of the <i>Status of Children Act 1996</i>. These applications are assigned to the Equity Division.</p>
Children, Family and De Facto Relationships - Paternity - Paternity testing order	<p>An application requiring a parentage testing procedure under s. 26 of the <i>Status of Children Act 1996</i>. These applications are assigned to the Equity Division.</p>
Children, Family and De Facto Relationships - Property Division - De Facto Relationships	<p>An application pursuant to the <i>Property (Relationships) Act 1984</i>, other than an application for an injunction or a contested application for an adjustment of interest. This may include an application for maintenance.</p> <p>These applications are assigned to the Equity Division.</p>
Children, Family and De Facto Relationships - Property Division - De Facto Relationships - Injunction	<p>An application for an injunction pursuant to s. 53 of the <i>Property (Relationships) Act 1984</i>. These applications are assigned to the Equity Division.</p>
Children, Family and De Facto Relationships - Property Division - De Facto Relationships -Contested division	<p>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 assigned to the Equity Division.</p>

Types of claim applicable to Supreme Court proceedings	Notes
Mercantile Law - Sale of Goods and Services	<p>A claim for money for goods you have sold and delivered to a customer or for services you have provided to a customer. Simple debt recovery proceedings are usually assigned to the Common Law Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.</p>
Mercantile Law - Consumer Protection & Trade Practices	<p>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.</p> <p>Simple debt recovery proceedings are usually assigned to the Common Law Division. Proceedings that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract may be more appropriately assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.</p>
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>. <p>These proceedings may be entered in the Technology & Construction List in the Equity Division.</p>

Types of claim applicable to Supreme Court proceedings	Notes
<p>Mercantile Law -Partnership disputes</p>	<p>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.</p> <p>Simple debt recovery proceedings are usually assigned to the Common Law Division. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which to seek to set aside transactions or seek specific performance of a contract may be more appropriately assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.</p>
<p>Mercantile Law - Mortgages & other securities</p>	<p>A claim arising from or relating to a mortgage or other form of security including recovering moneys lent or in arrears.</p> <p>Simple debt recovery proceedings are usually assigned to the Common Law Division. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract may be more appropriately assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.</p>
<p>Mercantile Law - Consumer credit</p>	<p>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. Simple debt recovery proceedings are usually assigned to the Common Law Division. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract may be more appropriately assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.</p>

Types of claim applicable to Supreme Court proceedings	Notes
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. Simple debt recovery proceedings are usually assigned to the Common Law Division. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract may be more appropriately assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Mercantile Law - Bailment	A claim arising from or relating to ownership of goods. Simple debt recovery proceedings are usually assigned to the Common Law Division. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract may be more appropriately assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Mercantile Law - Insurance disputes	A claim arising from or relating to a contract of insurance either brought by the insurer or the insured party. Simple debt recovery proceedings are usually assigned to the Common Law Division. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract may be more appropriately assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Mercantile Law - Restrictive Trade Practices	A claim arising from or related to an agreement that seeks to restrict one of the party's rights to conduct a business. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract are usually assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Mercantile Law - Statutory Obligation of Debt Recovery - <i>Income Tax Assessment Act 1936</i>	A claim for assessed tax brought by the Commissioner of Taxation. Simple debt recovery proceedings are usually assigned to the Common Law Division.

Types of claim applicable to Supreme Court proceedings	Notes
Mercantile Law - Statutory Obligation of Debt Recovery - Land tax	A claim for unpaid land tax brought by the Commissioner of State Revenue. Simple debt recovery proceedings are usually assigned to the Common Law Division.
Mercantile Law - Statutory Obligation of Debt Recovery - Stamp duty	A claim for unpaid stamp duty brought by the Commissioner of State Revenue. Simple debt recovery proceedings are usually assigned to the Common Law Division.
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. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract are usually assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Corporations Law - Incorporation & Registration	An application relating to the incorporation or registration of a company. These proceedings are governed by the Supreme Court (Corporations) Rules 1999 and are commenced by an originating process in the Corporations List in the Equity Division.
Corporations Law - Restructuring/Takeovers	An application relating to the restructuring or takeover of a company. These proceedings are governed by the Supreme Court (Corporations) Rules 1999 and are commenced by an originating process in the Corporations List in the Equity Division.
Corporations Law - Liquidation/Winding Up	An application relating to the liquidation or winding up of a company. These proceedings are governed by the Supreme Court (Corporations) Rules 1999 and are commenced by an originating process in the Corporations List in the Equity Division.
Corporations Law - Directors Duties	An application relating to the duties of a director of a company. These proceedings are governed by the Supreme Court (Corporations) Rules 1999 and are commenced by an originating process in the Corporations List in the Equity Division.
Corporations Law - Misleading/Deceptive Conduct	An application brought pursuant to the <i>Corporations Act 2001</i> (Cth) relating to misleading or deceptive conduct. These proceedings are governed by the Supreme Court (Corporations) Rules 1999 and are commenced by an originating process in the Corporations List in the Equity Division.

Types of claim applicable to Supreme Court proceedings	Notes
Corporations Law – Other	An application brought pursuant to the <i>Corporations Act 2001</i> (Cth) that does not otherwise fall into one of the preceding natures of claim. These proceedings are governed by the Supreme Court (Corporations) Rules 1999 and are commenced by an originating process in the Corporations List in the Equity Division.
Intellectual Property - Trade Marks	A claim arising from or related to protecting the legal rights of the owner of a trademark. These proceedings are assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Intellectual Property – Patents	A claim arising from or related to protecting the legal rights of the owner of a patent. These proceedings are assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Intellectual Property – Copyright	A claim arising from or related to protecting the legal rights of a copyright owner. These proceedings are assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Intellectual Property – Design	A claim arising from or related to protecting the legal rights of a designer not otherwise protected by copyright, patent or a trademark. These proceedings are assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Intellectual Property – Other	A claim arising from or related to protecting the legal rights associated with intellectual property not otherwise protected by copyright, patent or a trademark. These proceedings are assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.

Types of claim applicable to Supreme Court proceedings	Notes
Real Property - Possessory Title	A claim for possession of land other than pursuant to a lease. Claims based on a mortgage are usually commenced in the Possession List of the Common Law Division. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract are usually assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Real Property - Freehold Title	A claim arising from or related to the ownership of freehold land. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract are usually assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
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. Simple debt recovery proceedings are usually assigned to the Common Law Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
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. Simple debt recovery proceedings are usually assigned to the Common Law Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Real Property - Leasehold Title - Eviction	A claim for possession of land pursuant to a lease. Simple claims are usually commenced in the Possession List of the Common Law Division. The Supreme Court has limited jurisdiction to deal with residential leases – see <i>Residential Tenancies Act 1987</i> . Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract may be assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.

Types of claim applicable to Supreme Court proceedings	Notes
Real Property - Leasehold Title – Abandonment	A claim for possession of land pursuant to the abandonment of that land under a lease. Simple claims are usually commenced in the Possession List of the Common Law Division. The Supreme Court has limited jurisdiction to deal with residential leases – see <i>Residential Tenancies Act 1987</i> . Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract may be assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Real Property - Leasehold Title - Damage to property	A claim by a landlord relating to damage to lease property. Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract may be assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
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). Proceedings that require the taking of accounts or that raise issues such as undue influence and unconscionable conduct or which seek to set aside transactions or seek specific performance of a contract may be assigned to the Equity Division. Complex proceedings in which there is an issue that has importance in trade or commerce may be entered in the Commercial List in the Equity Division.
Real Property - Strata Title	A claim arising from or related to a dispute as to ownership or other rights of a strata-title property.
Real Property - Easements & Covenants	A claim arising from or related to a dispute as to easements or covenants affecting real property. These would usually be assigned to the Equity Division.
Real Property – Other	A claim arising from or related to real property not otherwise specified as a type of claim related to real property.
Regulation of Professions - Mutual Recognition	Applications under the <i>Mutual Recognition Act</i> or the <i>Trans Tasman Mutual Recognition Act</i> for admission as a legal practitioner are to be in accordance with the form prescribed by Practice Note SC Gen 8, and assigned to the Common Law Division.

Types of claim applicable to Supreme Court proceedings	Notes
Regulation of Professions - Disciplinary proceedings	Disciplinary proceedings in relation to the legal profession are assigned to the Court of Appeal and should be commenced by summons.
Trusts & Succession - Wills & Estates - Probate	An application by an executor for a grant of probate of the will of a deceased person. These are entered in the Probate List in the Equity Division. These applications can be in solemn or common form.
Trusts & Succession - Wills & Estates - Election to administer	An election to administer the estate of a deceased person by the Public Trustee. These are entered in the Probate List in the Equity Division.
Trusts & Succession - Wills & Estates - Letters of Administration	An application for a grant of administration of the estate of a deceased person. These are entered in the Probate List in the Equity Division.
Trusts & Succession - Wills & Estates – Reseals	An application for a reseal of grant of representation (granted by another jurisdiction) of a deceased persons estate. These are entered in the Probate List in the Equity Division.
Trusts & Succession - Wills & Estates - Interpretation of Wills	An application arising from or relating to the construction of the terms of a will or other testamentary document. These are assigned to the Equity Division.
Trusts & Succession - Wills & Estates - Validity of Wills	An application brought to contest the validity of a will or to set aside a grant of probate on the basis that the will is invalid. These are assigned to the Equity Division.
Trusts & Succession - Wills & Estates - Rectification of Wills	An application arising from or relating to the terms of a will or other testamentary document that seeks to have the terms of the will rectified by the court. These are assigned to the Equity Division.
Trusts & Succession - Wills & Estates - Administration with will annexed	An application for a grant of administration, with the will annexed, of the estate of a deceased person. These are entered in the Probate List in the Equity Division.
Trusts & Succession - Wills & Estates - Probate - Special administration	An application for a grant of special administration of a deceased person. These are entered in the Probate List in the Equity Division.
Trusts & Succession - Wills & Estates - Accounts	An application by an executor or administrator to have accounts in respect of an estate passed with or without commission, or by a beneficiary requiring accounts to be passed. These are entered in the Probate List in the Equity Division.
Trusts & Succession - Trusts - Removal of Trustee	An application for the removal of a trustee; this can be brought by a beneficiary, the trustee or another trustee. These are assigned to the Equity Division.

Types of claim applicable to Supreme Court proceedings	Notes
Trusts & Succession - Trusts - Appointment of new trustee/s	An application for the appointment of a trustee; this can be brought by a beneficiary, the proposed trustee or another trustee. These are assigned to the Equity Division.
Trusts & Succession - Trusts - Vesting orders	An application in relation to trust property seeking to have the relevant property conveyed to somebody. These are assigned to the Equity Division.
Trusts & Succession - Trusts - Breach of Trust	A claim against a trustee alleging a breach of trust. These are assigned to the Equity Division.
Trusts & Succession - Trusts - Application for accounts	An application by a beneficiary or a trustee requiring accounts to be passed. These are assigned to the Equity Division.
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 assigned to the Equity Division.
Trusts & Succession – Other	An application relating to or arising from an estate of a deceased person or the administration of a trust which does not fall into one of the preceding natures of claim. These are assigned to the Equity Division.
Torts – Trespass - Trespass to land	A claim arising from the defendant unlawfully entering onto or interfering with your land. Assigned to the Common Law Division.
Torts – Trespass – Nuisance	A claim arising from the defendant disturbing your use and enjoyment of land. Assigned to the Common Law Division.
Torts – Trespass - Trespass to Goods	A claim arising from the defendant unlawfully interfering with your goods. Assigned to the Common Law Division.
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. Assigned to the Common Law Division.
Torts – Trespass – Detinue	A claim arising from the defendant unlawfully detaining your goods. Assigned to the Common Law Division.
Torts – Trespass -Trespass to person	A claim arising from the defendant unlawfully interfering with yourself. Assigned to the Common Law Division.
Torts – Trespass – Assault	A claim arising from the defendant unlawfully causing apprehension of immediate harm or contact to yourself. Assigned to the Common Law Division.

Types of claim applicable to Supreme Court proceedings	Notes
Torts – Trespass – Battery	A claim arising from the defendant unlawfully causing immediate harm or contact to yourself. Assigned to the Common Law Division.
Torts – Trespass - False imprisonment	A claim arising from the defendant unlawfully detaining or confining you. Assigned to the Common Law Division.
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. Assigned to the Common Law Division.
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). Assigned to the Common Law Division.
Torts - Negligence - Motor Vehicle Accident	A claim for injuries to yourself arising from a motor vehicle accident. Assigned to the Common Law Division.
Torts - Negligence - Industrial Accident	A claim for injuries to yourself arising during the course of your employment. Assigned to the Common Law Division.
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. Assigned to the Common Law Division.
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. Assigned to the Common Law Division.
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. Assigned to the Common Law Division.

Types of claim applicable to Supreme Court proceedings	Notes
Torts - Professional Negligence - Legal Profession	<p>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.</p> <p>Entered in the Professional Negligence List in the Common Law Division.</p>
Torts - Professional Negligence - Medical Profession	<p>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.</p> <p>Entered in the Professional Negligence List in the Common Law Division.</p>
Torts - Professional Negligence - Financial Services Industry	<p>A claim against an accountant or other financial professional arising from a breach of a duty of care in the provision of professional services. Assigned to the Common Law Division.</p>
Torts - Professional Negligence – Other	<p>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. Assigned to the Common Law Division.</p>
Torts - Other – Defamation	<p>A claim arising from the publication of a statement that harms your reputation.</p> <p>These matters are entered in the Defamation List in the Common Law Division.</p>
Torts – Other – Deceit	<p>A claim arising from a dishonest statement made by the defendant that caused you to suffer loss or damage. Assigned to the Common Law Division.</p>
Torts – Other - Passing Off	<p>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'. Assigned to the Common Law Division.</p>
Torts – Other – Other	<p>A claim arising from a civil wrong other than of a type that can otherwise be categorised. Assigned to the Common Law Division.</p>
Applications Under Specific Commonwealth Acts - <i>Income Tax Assessment Act 1936</i>	<p>An application pursuant to a provision of the <i>Income Tax Assessment Act 1936</i> (Cth). Simple debt recovery actions are assigned to the Common Law Division. Proceedings which raise questions of law are assigned to the Revenue List in the Equity Division.</p>

Types of claim applicable to Supreme Court proceedings	Notes
Applications Under Specific Commonwealth Acts - <i>Admiralty Act 1988</i>	Any claim under the <i>Admiralty Act 1988</i> (Cth). These proceedings are governed by the Admiralty rules and the UCPR approved forms do not generally apply. Entered in the Admiralty List in the Equity Division.
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> (Cth) or the <i>Admiralty Act 1988</i> (Cth). See UCPR Schedule 8 Part 2 for the assignment of business to the Common Law or Equity Division.

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

Types of claim applicable to Court of Appeal proceedings
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.

Types of claim applicable to District 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>. <p>These matters are usually entered in the Construction List.</p>
Mercantile Law -Partnership Disputes	<p>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.</p> <p>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.</p>
Mercantile Law - Mortgages & Other Securities	<p>A claim arising from or relating to a mortgage or other form of security including recovering moneys lent or in arrears.</p> <p>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.</p>
Mercantile Law - Consumer Credit	<p>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.</p>
Mercantile Law - Principal & Agent Issues	<p>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.</p>

Types of claim applicable to District Court proceedings	Notes
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.
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	<p>A claim arising from or relating to the possession of land.</p> <p>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.</p>

Types of claim applicable to District Court proceedings	Notes
Real Property - Freehold Title	<p>A claim arising from or related to the ownership of freehold land.</p> <p>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.</p>
Real Property - Leasehold Title - Rent due	<p>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.</p>
Real Property - Leasehold Title - Bond and security	<p>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.</p>
Real Property - Leasehold Title - Damage to property	<p>A claim by a landlord relating to damage to lease property. Complex proceedings may be entered in the Commercial List.</p>
Real Property - Leasehold Title - Interpretation of lease	<p>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).</p> <p>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.</p>
Real Property - Strata Title	<p>A claim arising from or related to a dispute as to ownership or other rights of a strata-title property.</p> <p>The District Court's jurisdiction regarding these types of proceedings is very limited.</p> <p>See <i>District Court Act 1973</i> Part 3 Divisions 2 and 8.</p>
Real Property - Easements & Covenants	<p>A claim arising from or related to a dispute as to easements or covenants affecting real property.</p> <p>The District Court's jurisdiction regarding these types of proceedings is very limited.</p> <p>See <i>District Court Act 1973</i> Part 3 Divisions 2 and 8.</p>

Types of claim applicable to District Court proceedings	Notes
Real Property – Other	<p>A claim arising from or related to real property not otherwise specified as a type of claim related to real property.</p> <p>The District Court’s jurisdiction regarding these types of proceedings is very limited.</p> <p>See <i>District Court Act 1973</i> Part 3 Divisions 2 and 8. Complex proceedings may be entered in the Commercial List.</p>
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.
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)

Types of claim applicable to District Court proceedings	Notes
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	<p>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.</p> <p>These matters are usually entered into the Professional Negligence List.</p>
Torts - Professional Negligence - Medical Profession	<p>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.</p> <p>These matters are usually entered into the Professional Negligence List.</p>
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.
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	<p>A claim arising from the publication of a statement that harms your reputation.</p> <p>These matters are entered into the Defamation List.</p>

Types of claim applicable to District Court proceedings	Notes
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.
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
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 - 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 - 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.
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 - 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 - Rent due and owing	A claim to recover unpaid rent (and related expenses) from a tenant.