

## Procedural Fact Sheets (Civil) – Supreme and District Courts

### Amending a court document

#### Why amend?

You may decide to amend a court document to:

- Correct facts.
- Add a claim or defence.
- Plead a counterclaim.
- Respond to an opposing party's complaint (or a court order) that the pleading is inadequate because it does not comply with legal rules.
- Respond to an amended pleading that has been filed and served by the opposing party.

#### How to amend

Amendments to filed court documents must be made in accordance with the [Uniform Civil Procedure Rules 1999 \(Qld\)](#) (UCPR) as there are rules about when a pleading can be amended and how the amendment should be made.

Before amending an originating process (a claim, counterclaim or originating application) you must:

- If the amendment is a technical matter, apply to the registrar or the court for leave;
- If the originating process has not yet been served, return all sealed copies to the court and apply for leave of the registrar or the court;
- In any other case, apply for leave of the court. [rule 377](#)

When preparing the amended document:

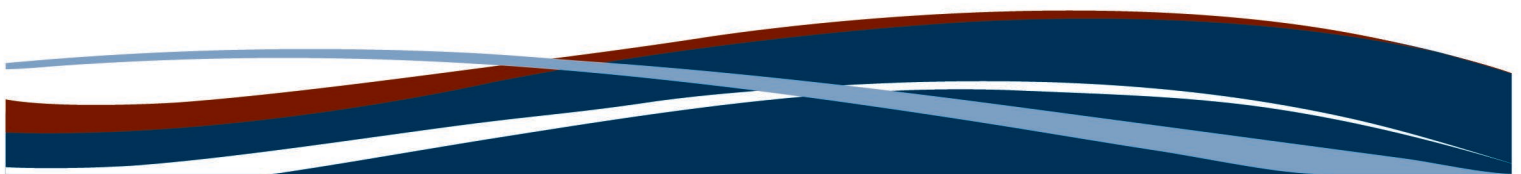
- Start with the format of the original document – do not just add or delete text.
- On the front page, amend the document title, e.g., the statement of claim will become the amended statement of claim, or the defence will become the amended defence. On the side of the front page make a note, stating the date of the amendment and the source of authority for the amendment, e.g. a court order or a court rule. [rule 382](#)
- Any additions or deletions made must be clearly shown so the amended document can be easily compared to the original document. This is done by underlining additional text and striking through to remove original text that is no longer wanted.

More information about [amending a court document](#), and the circumstances in which the court will permit an amendment, is available from [LawRight](#), an independent, community legal centre that coordinates pro bono legal services for individuals and community groups involved in current or potential proceedings in Queensland courts. Depending on your circumstances, LawRight may be able to provide you with legal advice and assistance. You can find more information on LawRight's website.

## Responding to an amended pleading

If you are served with an amended pleading by the opposing party, carefully consider whether you should file and serve an amended pleading in response, e.g., if the defendant serves you with an Amended Defence that pleads new facts, then you should respond to these new facts by filing and serving an Amended Reply.

See an example of an Amended Statement of Claim below:



## Example of an Amended Statement of Claim

### DISTRICT COURT OF QUEENSLAND

REGISTRY: Brisbane  
NUMBER: 1/21

Plaintiff: **JOHN JAMES CITIZEN**

AND

Defendant: **ABC PTY LTD (ACN 000 123 456)**

### **AMENDED STATEMENT OF CLAIM**

The claim in this proceeding is made in reliance on the following facts:

1. The plaintiff John James Citizen is a male person whose date of birth is 1 January 1961.
2. At all material times, the defendant ABC Pty Ltd:
  - a. was a company duly incorporated according to law and capable of being sued.
  - b. owned and operated a fruit shop at ~~423~~ 124 Strawberry Road, Banana Ville in the State of Queensland (the premises).
3. On 2 February 2020 (the date of the incident) the plaintiff entered the premises for the purpose of purchasing fruit.
4. On the basis of the facts and matters above, the defendant owed the plaintiff a duty to take reasonable care to ensure that the floor of the premises was free from spillages and other foreign substances so as not to expose the plaintiff to a reasonably foreseeable risk of injury.
5. At or about 2.20pm on the date of the incident:
  - a. A grape was on the floor in front of the refrigeration units in the frozen goods section of the premises.
  - b. The plaintiff was walking through the frozen goods section.
  - c. The plaintiff stepped on the grape.
  - d. The plaintiff's foot slipped on the grape, and he fell to the ground (the fall).
6. As a result of the fall the plaintiff suffered personal injury, being a fracture of the right ankle (the injury).

STATEMENT OF CLAIM

Filed on Behalf of the Plaintiff

Form 16, Version 2

Uniform Civil Procedure Rules 1999

Name: Legal Law & Associates

Address: PO Box 3  
Banana Ville QLD 4333

Phone: 3333 3333

Email: Jane.Practitioner@legallaw.com.au

Amended pursuant to rule 378 of the Uniform Civil  
Procedure Rules 1999 (Qld) this 4<sup>th</sup> day of April 2021.  
Signed: *Jane Practitioner*



7. The fall and the injury were caused by the defendant's breach of duty of care in ~~selling slippery grapes~~ failing to have in place a regular system of inspection and cleaning of the floor in the frozen goods section of the premises.
8. The plaintiff required treatment for the injury, including surgical fixation of the ankle fracture.
9. The plaintiff has a 5% whole person impairment referable to the injury.
- 9A. As a result of the injury the plaintiff is unable to return to his usual employment as a professional ballroom dancer.
10. The plaintiff has been required to pay hospital and medical expenses.
11. The plaintiff has complied with the pre-proceeding provisions of the Personal Injuries Proceedings Act 2002 (Qld).

The plaintiff claims the following relief:

- A. General damages of one hundred thousand dollars (\$100,000.00)
- B. Future economic loss of two hundred thousand dollars (\$200,000.00)
- ~~B.~~ C. Hospital and medical expenses of ten thousand dollars (\$10,000.00)
- ~~C.~~ D. Interest pursuant to s 58 *Civil Proceedings Act 2011* (Qld)
- ~~D.~~ E. Costs

Signed: Jane Practitioner  
Description: Solicitor, Legal Law & Associates

#### NOTICE AS TO DEFENCE

Your defence must be attached to your notice of intention to defend.

