



## Magistrates Court of Western Australia Civil Jurisdiction

### Fact Sheet 11 – Change of Venue

*This fact sheet sets out how a party applies to the Court for the whole or a part of the proceedings in a case be transferred to another place in the State (whether or not a registry of the Court is there)*

#### General Information

A claim can be commenced at any Magistrates Court Registry.

A party may apply to the Court for a change of venue in a case if they contend that it would be more convenient, or fair for the proceedings to be conducted at another place in the State.

#### How do I apply for a change of venue?

Either the claimant or defendant at anytime throughout the proceedings can make an application by lodging a **Form 23 – Application, supported by a Form 2 – General Affidavit.**

These forms are available on the Magistrates Court website:

[www.magistratescourt.wa.gov.au](http://www.magistratescourt.wa.gov.au).

**See Fact Sheet: No. 21 - Applications**

## Information for the defendant

If you wish to apply for a change of venue you may choose to complete the application, which has been included in 'part G - Application for Change of Venue' of the claim form you have been served with.

## How do I respond to an application for change of venue?

After having been served with an application, a party must at least **three working days** before the hearing lodge and serve a **Form 24 – Response to Application** stating a consent or objection to the order sought and the response to be supported by a **Form 2 – General Affidavit**.

These forms are available on the Magistrates Court website:

[www.magistratescourt.wa.gov.au](http://www.magistratescourt.wa.gov.au).

Unless you consent to every order sought in the application, an affidavit supporting the response must be completed.

## What happens if I do not respond?

If you do not lodge a response the Court will determine the application on the evidence of the applicant.

## Role of the court

If the Court is satisfied that it would be more convenient or fair to the parties, the proceedings in the case will be transferred to the venue requested by the applicant.

## Notifying the parties of the decision

The Registrar will inform the parties of the Court's decision. All future proceedings in the case will be conducted at the place that the Court has ordered is the most appropriate.

**This is a guide only. The content is subject to change.**

If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.