

PART C – INFORMATION FOR DEFENDANT (In original claim)

PLEASE READ THIS FORM THOROUGHLY

The following information is a guide only. For legal advice you should see a lawyer

Procedural fact sheets are available at www.magistratescourt.wa.gov.au as well as at any Magistrates Court Registry.

| | |
|-----------------------------------|--|
| SIGNATURE | <ul style="list-style-type: none">• It is necessary for you to sign each copy of the claim form within this package. |
| ADDRESS FOR SERVICE | <ul style="list-style-type: none">• This is the address to which the court and the claimant will send/serve documents and notices on you.• A document lodged in relation to a case must contain a residential or business address for service or in the case of a corporation, registered office or principal place of business.• To enable service of documents electronically (where personal service is not required), an email address may be provided in addition to the above |
| CONTACT DETAILS | <ul style="list-style-type: none">• It is suggested that you include a contact number where possible. This will allow the claimant or court to contact you if the need arises. |
| RESPONSE TO A COUNTERCLAIM | <ul style="list-style-type: none">• If the claimant has lodged a notice of intention to defend the counterclaim, you will be given notice by the court along with a copy of the claimant's response.• Within 14 days of you receiving a response that indicates an intention to defend the counterclaim, you must lodge and serve on the claimant a statement of counterclaim.• Within 14 days of the claimant being served with the statement of counterclaim, the claimant must lodge and serve on you a statement of defence to the counterclaim. |

PART E – INFORMATION FOR CLAIMANT (In Original Claim)

PLEASE READ THIS FORM THOROUGHLY

The following information is a guide only. For legal advice you should see a lawyer

Procedural fact sheets are available at www.magistratescourt.wa.gov.au as well as at any Magistrates Court Registry.

- The table below provides types of responses that are available to you.
- You must complete and lodge with the court a response to this counterclaim within 14 days of service of the claim on you, unless your address for service is outside Western Australia, in which case you have 21 days.
- Failure to respond to the counterclaim within the prescribed time may result in the claimant obtaining a default judgment against you.

| | |
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| IF YOU ADMIT THE COUNTERCLAIM AND ARE UNABLE TO PAY IN FULL | <ul style="list-style-type: none">• From the forms you were served with, complete an admission of the counterclaim in the relevant section of Part F – Admission of Counterclaim.• You may wish to contact the defendant or their lawyer to confirm acceptance of an offer to pay by instalments.• The court will notify the defendant of your admission. It is the decision of the defendant as to whether your offer to pay by instalments is accepted.• If the defendant does not accept your admission to pay by instalments they may proceed to enforce payment against you without further notice.• All instalment payments made must be paid direct to the defendant or their lawyer. |
| IF YOU ADMIT TO PART OF THE CLAIM | <ul style="list-style-type: none">• You may wish to contact the defendant or their lawyer to see whether a settlement can be arranged by consent. If an agreement is made, a memorandum of consent order form signed by all parties may be provided to the court registry.• If you cannot reach agreement to settle the counterclaim complete Part F – Intention to Defend Counterclaim.• This form must then be lodged at the registry of the Magistrates Court from where this counterclaim was lodged within the prescribed time. |
| IF YOU INTEND TO DEFEND THE COUNTERCLAIM | <ul style="list-style-type: none">• If you are giving notice of intention to defend, complete Part F – Intention to Defend Counterclaim and lodge at the Magistrates Court registry that issued the claim. The court will give notice of your intention to defend the counterclaim and a copy of your response to the defendant.• If the counterclaim was served on you with a statement of counterclaim and you are giving notice of intention to defend the counterclaim, you must within 14 days of being served not only lodge your counterclaim defence response but also lodge a statement of defence to counterclaim.• If the defendant did not lodge and serve on you a statement of counterclaim with their originating counterclaim, the defendant must within 14 days of receipt of your notice of intention to defend, lodge and serve a statement of counterclaim.• Upon receipt of the defendant’s statement of counterclaim you must within 14 days lodge and serve on the defendant a statement of defence to the counterclaim. |
| ADDRESS FOR SERVICE | <ul style="list-style-type: none">• This is the address to which the court and the defendant will send/serve documents and notices on you.• A document lodged in relation to a case must contain a residential or business address for service or in the case of a corporation, registered office or principal place of business.• To enable service of documents electronically (where personal service is not required), an email address may be provided in addition to the above. |
| CONTACT DETAILS | <ul style="list-style-type: none">• It is suggested that you include a contact number, which will allow the defendant or court to contact you if the need arises. |

**MAGISTRATES COURT of WESTERN AUSTRALIA
(CIVIL JURISDICTION)
FORM 15B - RESPONSE TO COUNTERCLAIM**

| | |
|------------------|---------------------|
| Registry: | Case number: |
|------------------|---------------------|

| | |
|--|--|
| Claimant (in original claim) | |
|--|--|

| | |
|---|--|
| Defendant (in original claim) | |
|---|--|

(Must enter full name of party responding)
I, _____

PART F -ADMISSION OF COUNTERCLAIM

Tick [✓] appropriate box

admit to the total amount claimed and I offer to pay the amount admitted by way of:

instalment amounts of \$ _____

weekly; or fortnightly; or monthly

First instalment *(date)* _____;

OR

payment in full on or before *(date)* _____

Un-liquidated claim only:

admit liability and make application to the Court to determine the amount that should be awarded for the claim.

(A registrar must list the case for a pre-trial conference and notify all parties in writing)

OR

PART F -INTENTION TO DEFEND COUNTERCLAIM

Tick [✓] appropriate box

intend to defend the full amount of this claim; or

admit liability for part of the claim made and intend to defend the balance of the claim.

I offer the sum of \$ _____ as full satisfaction of the claim.

| | |
|---------------------|-------|
| Claimant or lawyer: | Date: |
|---------------------|-------|

The responding party must complete the below address for service and contact information

| | | | | |
|---------------------|--|---------------|------|---------|
| Lodged by | <input type="checkbox"/> Defendant or defendant's lawyer <input type="checkbox"/> Other | | | |
| Address for service | | | | |
| Contact details | Telephone: | Lawyer's ref: | Fax: | E mail: |