

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 6**

STATEMENT OF DEFENCE

This fact sheet provides general information for the defendant on how to complete a statement of defence.

What is a statement of defence?

A statement of defence helps narrow the issues in dispute and reveals your case.

A statement of defence is lodged when the case is defended or within 14 days of the statement of claim being served.

When do I file my statement of defence?

You may lodge your statement of defence together with your response or in any event 14 days after being served with the relevant statement of claim.

An original and two copies of the relevant statement of defence must be lodged at the registry of the court where the claim was commenced, plus extra copies if there is more than one claimant if not represented by a lawyer.

What information should be in my statement of defence?

Statement of Defence to Minor Case Claim – Form 22, 22A & 22B

Your statement of defence must contain the following:

1. A summary of the facts relevant to your defence.

It is important that you restrict your statement of defence to the facts that are relevant to your defence.

The facts should be set out in date order and based on how each allegation of fact will be proved.

You must not include allegations of a general nature, just details of where and when relevant events happened.

2. The details of anyone who you allege is liable for the claim and the grounds upon which you base that allegation.

**Statement of Defence to General Procedure Claim
– Form 21, 21A & 21B**

Your statement of defence must state the following:

1. A summary of the facts relevant to the defence.

It is important that you restrict your statement of defence to the facts that are relevant to your defence.

The facts should be set out in date order and based on how each allegation of fact will be proved.

You must not include allegations of a general nature, just details of where and when relevant events happened.

2. The legal basis of the defence.

This is the area of law you are relying on to support your defence.

3. The basic contentions of the party

If you are aware why the claimant has filed a claim, you must outline the facts in your statement of defence.

4. The details of anyone who you allege is liable for the claim and the grounds upon which you so allege.

What happens if I do not file my statement of defence?

The claimant may make an application to the Court to give default judgment against you.

What should I do if I am having trouble completing my case statement?

If you have any doubts over completing your statement of defence, then you must seek legal advice.

What happens next?

If the case relates to a **minor cases procedure** the registrar must within 14 days after the statement of defence is lodged, set a date, time and place for a compulsory pre-trial conference and notify all parties.

If the case relates to a **general procedure claim**, the claimant must within 14 days after the claimant is served with a statement of defence request the registrar to list the case for a compulsory pre-trial conference. When the registrar receives the request the registrar must set a date, time and place for a compulsory pre-trial conference and notify all parties.

All forms are available on the Magistrates Court website: www.magistratescourt.wa.gov.au.

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.