

**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.

When do I lodge and serve my statement of defence?

You may lodge and serve your statement of defence together with your response or in any event 14 days after being served with a 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 – 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 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 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 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 allege.

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

What happens if I do not lodge and serve my statement of defence?

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.

Counterclaim

If a party intends to make a counterclaim claim they must do so at the same time of lodging their statement of defence and serve the counter claim together with their statement of defence. This means that the other party is making a claim against you, which arises from the same set of circumstances.

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.