

PART C – INFORMATION FOR DEFENDANT (In original Claim)

PLEASE READ THIS FORM THOROUGHLY

The following information is a guide only. A fact sheet containing detailed information on court procedures is available from any Magistrates Court Registry or at

www.magistratescourt.wa.gov.au

For legal advice you should see a lawyer.

RESPONSE TO A COUNTERCLAIM

- If the claimant has given 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

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IF YOU ADMIT THE COUNTERCLAIM AND ARE UNABLE TO PAY IN FULL	<ul style="list-style-type: none">• You should complete an admission of the counterclaim in the relevant section of Part F of the forms you have been served with.• You may wish to contact the defendant or their lawyer to confirm acceptance of your offer to pay by instalments.• The Court will notify the defendant of your admission and 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 he or she 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 you reach agreement, you should both complete a consent order form and send it to the court registry.• If you cannot reach agreement to settle the counterclaim and you admit only part of the amount claimed you should complete Part F.• 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 respond by giving notice of intention to defend this counterclaim, the defendant must within 14 days of that notice, lodge and serve on you a statement of their counterclaim if a statement of counterclaim was not served with this 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.

REGISTRY AT:	MAGISTRATES COURT of WESTERN AUSTRALIA (CIVIL JURISDICTION) COUNTERCLAIM FORM 8	Case number: Date lodged:
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Claimant (In original claim)	Name:
	Address:
	Postcode:

Defendant (In original claim)	Name:
	Address:
	Postcode:

15B – RESPONSE TO A COUNTERCLAIM

ADMISSION OF COUNTERCLAIM			
I			(full name of claimant)
Tick [✓] appropriate box			
<input type="checkbox"/> Admit to the total of amount claimed and I offer to pay the amount admitted: <input type="checkbox"/> By way of instalments of \$ per week/fortnight/month commencing on (date) ; OR <input type="checkbox"/> In full on or before (date)			
Un-Liquidated Claim only in excess of \$1000.00			
<input type="checkbox"/> Admit liability and make application to the Court to determine the amount that should be awarded for the claim upon payment of the prescribed application fee if applicable.			
Signature of claimant		Date	

INTENTION TO DEFEND COUNTER CLAIM			
I			(full name of claimant)
Intention to defend	Tick [✓] appropriate box		
	<input type="checkbox"/> I intend to defend the full amount of this counterclaim. <input type="checkbox"/> I 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.		
Signature of claimant or lawyer		Date	

Address for service			
Contact details	Telephone:	Lawyer's ref:	Fax:	E mail: