



Magistrates Court of Western Australia

Civil Jurisdiction

Fact Sheet 6 – 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

The relevant statement of defence must be lodged electronically using the Courts Electronic Case Management System (ECMS) [eCourts Portal](#) .

What information should be in my statement of claim?

Your statement of Defence must contain the following:

Statement of Defence in a Minor Case Claim

Form 22 - Statement of Defence to Minor Case Claim

Form 20A – Statement of Defence to Minor Case Counterclaim

Form 20B – Statement of Defence to Minor Case Third Party Claim

1. A summary of the facts in relevant to your claim.

- It is important that you restrict your statement of defence to the facts that are relevant to proving your claim against the defendant.
- 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 application.

Statement of Defence in a General Procedure Claim

Form 21 – Statement of Defence to General Procedure Claim

Form 21A – Statement of Defence General Procedure Counterclaim

Form 21B – Statement of Defence to General Procedure Third Party Claim

1. A summary of the facts in relevant to your claim.

- It is important that you restrict your statement of defence to the facts that are relevant to proving your claim against the defendant.
- 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 claim.

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 claim.

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 statement of defence?

If you have any doubts over completing your statement of defence, then you should 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.

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.