

IN THE MAGISTRATES' COURT  
OF VICTORIA AT \_\_\_\_\_

Court Number: \_\_\_\_\_

**\*INDUSTRIAL DIVISION/\*WORKCOVER DIVISION**

BETWEEN \_\_\_\_\_  
Plaintiff/Defendant in Counterclaim

OF \_\_\_\_\_

And \_\_\_\_\_  
Defendant/Plaintiff in Counterclaim

OF \_\_\_\_\_

Date of document: \_\_\_\_\_

Filed on behalf of: \_\_\_\_\_

Australian lawyer name: \_\_\_\_\_ Code: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_ Reference: \_\_\_\_\_

NAME AND ADDRESS of Australian lawyer for the defendant –

Address for service of the defendant [if no Australian lawyer] –

Counterclaim amount: \$ \_\_\_\_\_

**STATEMENT OF COUNTERCLAIM**

*[Here set out in numbered consecutive paragraphs all the material facts relied on for the counterclaim against the plaintiff including particulars of every fact or matter.]*

*If the counterclaim arises by or under any act, identify the specific provision relied on. State specifically the amount or other relief or remedy sought. State the place where and the date when the claim arose.*

*If the counterclaim arises out of a motor vehicle accident and includes a claim for the costs of repairs to the vehicle or total loss of the vehicle, an itemised quotation of the cost of the repairs or an assessment of the loss (whichever is relevant) must be attached to this counterclaim.]*

**TO THE PLAINTIFF**

**TAKE NOTICE** that this counterclaim has been brought against you by the defendant as set out in the statement of counterclaim.

IF YOU INTEND TO DEFEND this counterclaim, YOU MUST GIVE NOTICE OF DEFENCE, **within 21 days of service upon you of this counterclaim**, to –

- (a) the defendant; and
- (b) the registrar of the Magistrates' Court of Victoria at \_\_\_\_\_

*[insert proper venue]*

IF YOU GIVE NOTICE OF DEFENCE, the Court will write to you and tell you of the hearing date.

IF YOU DO NOT GIVE NOTICE OF DEFENCE WITHIN 21 DAYS OF SERVICE, the defendant may OBTAIN AN ORDER AGAINST YOU for the amount of the counterclaim and costs without further notice.

**1. The address of the defendant is** *[insert address]*:

**2. The address for service of the defendant is:**

*[\*If the Service and Execution of Process Act 1992 of the Commonwealth applies]* The address for service of the defendant within Australia is *[insert address]*:

*[\*If the Trans-Tasman Proceedings Act 2010 of the Commonwealth applies]* The address for service of the defendant in Australia or New Zealand is *[insert address]*:

[\*If neither of those Acts applies and the defendant appears in person] The address for service of the defendant within Victoria is [insert address of the defendant within Victoria, not being a post office box]:

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[\*If neither of those Acts applies and the defendant defends by an Australian lawyer] The name or firm and the business address of the Australian lawyer of the defendant is [insert name or firm]:

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at [insert business address]: \_\_\_\_\_

[\*If neither of those Acts applies and the Australian lawyer is an agent of another] The name or firm and business address of the principal is [insert name or firm]:

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at [insert business address]: \_\_\_\_\_

**4. The email address for service of the defendant is [insert email address]:**

Dated [insert date]: \_\_\_\_\_

\_\_\_\_\_  
[To be signed by the defendant or the defendant's Australian lawyer]

DATE OF FILING: \_\_\_\_\_

THIS COUNTERCLAIM IS VALID IF IT BEARS THE ALLOCATED COURT NUMBER  
AND THE DATE OF FILING

\*Delete if not applicable