**FORM 13B – Response**

Rule 13.03(1)

**RESPONSE**

IN THE MAGISTRATES' COURT Court Number

OF VICTORIA AT MELBOURNE

INDUSTRIAL DIVISION

BETWEEN Plaintiff

 *[full name]*

OF

 *[address]*

and

 Defendant

 *[full name]*

OF

 *[address of defendant]*

TO THE PLAINTIFF

AND

TO THE REGISTRAR OF THE MAGISTRATES' COURT AT MELBOURNE

TAKE NOTICE that the defendant's response to a claim made by the plaintiff is attached.

**RESPONSE TO A CLAIM MADE BY THE PLAINTIFF**

**DEFENDANT DETAILS**

Is the defendant correctly identified in the complaint?

[ ]  Yes (*Go to "Contact person details")* [ ]  No (*Go to next question*)

What is the correct name?

Registered office or trading address:

Contact person details:

Name:

Position:

Address:

Phone:

Email address:

**REPRESENTATIVE DETAILS**

Is anyone representing the defendant?

[ ]  Yes (*Go to next question*) [ ]  No (*Go to next section*)

Who is representing the defendant?

[ ]  Australian lawyer

[ ]  Industry group/association

[ ]  Other

[ ]  Name of representative:

Representative contact person details:

Name:

Address:

Phone:

Email address:

**ADDRESS FOR SERVICE**

Court documents and notice to the defendant must be sent to:

[ ]  defendant directly [ ]  defendant's representative

**INDUSTRIAL INSTRUMENT**

Does the defendant agree that the award, agreement or order (if any) referred to in the complaint is correct?

[ ]  Yes [ ]  No

If No, state the award, agreement or other order under which the plaintiff is or was employed:

**RESPONSE TO CLAIM**

The defendant opposes each of the following claims made in the complaint (*tick as appropriate and attach further sheets if necessary)*:

Wages: $

This element of the claim is:

[ ]  admitted [ ]  not admitted

[ ]  denied for the following reasons:

Commission: $

This element of the claim is:

[ ]  admitted [ ]  not admitted

[ ]  denied for the following reasons:

Leave entitlements: $

This element of the claim is:

[ ]  admitted [ ]  not admitted

[ ]  denied for the following reasons:

Penalty rates: $

This element of the claim is:

[ ]  admitted [ ]  not admitted

[ ]  denied for the following reasons:

Allowances: $

This element of the claim is:

[ ]  admitted [ ]  not admitted

[ ]  denied for the following reasons:

Notice of termination: $

This element of the claim is:

[ ]  admitted [ ]  not admitted

[ ]  denied for the following reasons:

Unauthorised deduction from wages: $

This element of the claim is:

[ ]  admitted [ ]  not admitted

[ ]  denied for the following reasons:

Response to any other alleged breach:

This element of the claim is:

[ ]  admitted

[ ]  not admitted

[ ]  denied for the following reasons:

**NOTICE OF INTENTION TO COUNTERCLAIM BY DEFENDANT**

The defendant may counterclaim against the plaintiff in the proceeding only with leave of the Court. This section is to be completed if the defendant intends to make a counterclaim against the plaintiff in the proceeding.

The defendant intends to make a counterclaim against the plaintiff as follows (*provide details of the nature of the breaches, applicable legislation if known, and any amounts claimed*):

 **SMALL CLAIMS PROCEDURE**

Only applicable if the matter is a small claim under the Fair Work Act 2009 of the Commonwealth.

The small claims procedure does not allow a party to be represented by a legal practitioner unless the Court grants permission.

Do you intend to seek to be represented?

[ ]  Yes [ ]  No

If you intend to seek leave to be represented, please provide the representative details in the "Representative Details" section above.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed by the defendant or defendant's representative

Name:

Date: