

FORM 13B – Response

Rule 13.03(1)

RESPONSE

IN THE MAGISTRATES' COURT
OF VICTORIA AT MELBOURNE
INDUSTRIAL DIVISION

Court Number

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: