

Originating Claim

Industrial Magistrates Courts (General Jurisdiction) Regulations 2005 (Reg. 13(1))

Form 1.3
Respondent's Copy

Court Use Only	Court at Perth	Claim No:
Response to be lodged within 21/28 days of service		
Claimant	Name:	
	Address:	
	Postcode:	Telephone:
	Address for service by post:	
	Postcode:	
	Address for service by email:	
Address for service by fax:		
Respondent <i>Attach Form 28 if more than one respondent</i>	Name:	
	Address:	
	Postcode:	
Act	This claim is made pursuant to: <i>(tick the appropriate box)</i>	
	<input type="checkbox"/> Fair Work Act 2009 (Cth) <input type="checkbox"/> Industrial Relations Act 1979 (WA) <input type="checkbox"/> Long Service Leave Act 1958 (WA) <input type="checkbox"/> Other (specify):	
Fair Work Act (Cth) Claims Only <i>s. 548(1)(c)</i>	The claimant elects to have the Small Claims procedure to apply to this proceeding: <i>(tick the appropriate box)</i>	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Grounds <i>Attach statement giving details</i>	This claim is made because the respondent has: <i>(tick the appropriate box)</i>	
	<input type="checkbox"/> Failed to comply with an award, agreement, instrument or order (specify name): <input type="checkbox"/> Contravened or failed to comply with another written law (specify): <input type="checkbox"/> Done or failed to do something else (specify):	
	as detailed in the attached statement.	
Orders Sought <i>Attach statement to particularise claim, including calculations.</i>	That the respondent: <i>(tick the appropriate box)</i>	
	<input type="checkbox"/> Pay the amount of \$ <input type="checkbox"/> Pay pre-judgment interest. <input type="checkbox"/> Pay a penalty. <input type="checkbox"/> Do something else (specify):	
Claimant's Representative <i>(If any)</i>	This claim was prepared and lodged by:	
	Capacity: Lawyer/Agent	
	Address for service by post:	
	Postcode:	Telephone:
	Address for service by email:	
Address for service by fax:		

Signature: _____ Date: _____

Lodged in the Industrial Magistrates Court, Level 17, 111 St Georges Terrace, PERTH WA 6000
 Telephone: (08) 9420 4467
 Website: www.imc.wa.gov.au

Seal of the Court: _____ Date lodged _____
 Time lodged _____

DO NOT IGNORE THIS CLAIM

You must lodge a response with the Industrial Magistrate's Court within 21/28 days of the service of the claim together with the lodgement fee of \$_____. You must also serve a sealed copy of your response on the claimant within 14 days of lodging your response. If you do not do so (in the manner explained on the back of this page) the Court may grant the claim by default.

READ CAREFULLY THE IMPORTANT INFORMATION ON THE BACK OF THIS PAGE

IMPORTANT INFORMATION

What you should do:

The claimant is asking the court to make orders that will affect you. The details are shown on the front of this page in the box marked "Orders sought" and on any separate sheets attached to this claim. The reason for making the claim is specified in the box marked "Grounds" and on any separate sheets attached to this claim.

You must respond to this claim by lodging with the Industrial Magistrates Court at Perth within the time specified at the front of this form the completed Response form (Form 2) that you have received, together with the lodgement fee specified on the front of this form. You must then serve the claimant with a sealed copy of your Form 2 within 14 days of the lodgement of your response. If you do not do these things, the claimant may obtain judgment against you. This means that the court may grant the orders sought against you in the claim. Unless you can establish that there were good reasons why you did not respond, you may not be able to have the judgment set aside.

Response:

In responding to this claim you have three options. They are:

Option 1

If you wholly deny the claim and oppose the court making the order or orders sought in the claim, you should tick the box on the Form 2, which states:

"The respondent wholly denies the claim and opposes the court granting any order sought in this claim."

You should then sign and date the Form 2 and ensure that it is lodged with the court before the due date together with the appropriate lodgement fee. If you do this, the court will provide you with a sealed copy of the Response form, which you **must** then serve on the claimant within 14 days of the lodgement of the response.

Option 2

If you admit part of the claim and consent to the court making some but not all of the orders sought in the claim, you should tick the box on the Form 2, which states:

"The respondent admits part of the claim and consents to the court making the following order/s but denies the balance of the claim."

You should complete the Form 2 at the appropriate place to indicate which part or parts of the claim you admit and which orders you consent to being made. You should then sign and date the Form 2 and ensure that it is lodged with the court before the due date together with the appropriate lodgement fee. If you do this, the court will provide you with a sealed copy of the Response form, which you **must** then serve on the claimant within 14 days of the lodgement of the response.

Option 3

If you wholly admit the claim and consent to the court making the orders sought in the claim, you should tick the box on the Form 2, which states:

"The respondent wholly admits the claim and consents to the court making the orders sought in this claim."

You should then sign and date the Form 2 and ensure that it is lodged with the court before the due date together with the appropriate lodgement fee. If you do this, the court will provide you with a sealed copy of the Form 2, which you **must** then serve on the claimant within 14 days of the lodgement of the response. The court may then make in the absence of the parties the orders sought in the claim. You will be notified of the outcome. If you consent to the imposition of a penalty you will be given an opportunity to be heard and you will be advised of a date and time to appear in court.

What happens next if the Claim or any part of it is denied?

If you choose to respond to this claim by denying the whole or part of the claim, you will be required at a later stage to participate in the court's procedures for dealing with this claim including the requirement to attend a pre-trial conference on a date to be advised. It is important that you comply with the orders of the clerk and the court. If you do not do so the claimant may obtain judgment against you. Unless you can establish that there were good reasons why you did not comply you may not be able to have the judgment set aside.
