

Sample Defence

This is a sample only. It is important to complete this form with your own details and based on your own circumstances. If you need more help, you should get legal advice.

Form 33
Rule 16.32

Defence

No. **(P) SYG001** of 2013

Federal **Circuit and Family** Court of Australia

District Registry: **Sydney**

Division: **Fair Work Division**

Kim-Ly Geun

Applicant

Tasty Food Pty Ltd
ACN 111 222 333

Respondent

- 1. The respondent admits paragraphs 1 to 3 of the Statement of Claim.**
- 2. The respondent denies paragraph 4 of the Statement of Claim and says that the applicant commenced employment with the respondent on 2 July 2010.**
- 3. The respondent denies paragraph 5 of the Statement of Claim and states that the applicant was dismissed.**

Particulars

Letter of termination dated 13 June 2013.

- 4. The respondent admits paragraph 6 of the Statement of Claim.**
- 5. The respondent admits paragraph 7 of the Statement of Claim, save that the applicant worked the days and hours contained in paragraph 7 from 2 July 2010 to 27 June 2013.**
- 6. The respondent admits paragraphs 8 to 11 of the Statement of Claim.**

Filed on behalf of (name & role of party) **Franklin Mount, the respondent**

Prepared by (name of person/lawyer) **Franklin Mount**

Law firm (if applicable) _____

Tel **02 3521 XXXX** Fax **02 3521 XXXX**

Email **frank@tastyfood.com.au**

Address for service **233 New Street Surry Hills**
(include state and postcode) **NSW 2010**

[Form approved 01/08/2011]

7. The respondent agrees that the applicant took the leave listed in paragraph 12. The respondent states that the applicant also took a further 3 weeks leave during a period when the respondent's business was shut down and not trading.

Particulars

23 December 2011 to 8 January 2012 - 15 days

8. The respondent admits that the respondent has not paid the applicant for five days (one week) annual leave.

9. The respondent admits paragraph 13 in relation to the one week's unpaid annual leave at paragraph 8 of this defence only.

10. The respondent denies that the applicant is entitled to redundancy as alleged in paragraph 14 or at all.

11. The respondent denies that the applicant was entitled to three weeks' notice as alleged in paragraph 15. The applicant worked for the respondent for less than three years and was entitled to two weeks' notice under the NES.

12. The respondent admits paragraph 16.

13. The respondent denies it owes the applicant the amount claimed, save for

a. \$664.80 for one week's unpaid leave

b. leave loading on the amount at a. at the rate of 17.5% - \$116.34

Date: 13 December 2013

Signed by **Franklin Mount**
Respondent

~~This pleading was prepared by [Name], lawyer~~

Certificate of lawyer

I ~~[name of lawyer]~~ certify to the Court that, in relation to the defence filed on behalf of the Respondent, the factual and legal material available to me at present provides a proper basis for:

- ~~(a) — each allegation in the pleading; and~~
- ~~(b) — each denial in the pleading; and~~
- ~~(c) — each non-admission in the pleading.~~

Date: ~~[eg 19 June 20..]~~

~~Signed by [Name]
Lawyer for the Respondent~~