

Form 3.60

Answer by respondent

Court Procedures Rules 2006

(see r 3913 (Application for arbitration—answer by respondent or third-party respondent))

In the Magistrates Court of the Australian Capital Territory

No WC of (year)

(name)
Applicant

(name)
Respondent

Respondent
(*employer details—if more than 1, first respondent, second respondent etc*)

name			
address		ABN	

Respondent's insurer(s) (*insurer details—if more than 1, list all insurers*)

name		claim no. (<i>if known</i>)
address		

Respondent's lawyer

firm name			
address			
telephone		fax/email	
solicitor's name		reference	

Filed for the respondent by:
(*the respondent's address for service and telephone number (if any) or, if the respondent is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor*)

TAKE NOTICE that as to compensation claimed in relation to an injury alleged to have happened *[on *(date)*/between *(date)* and *(date)*] when the respondent was insured by *(name of insurer)*:

1. The respondent denies the claims by the applicant in relation to the liability for and amount of—
 - * weekly compensation payable to the applicant (WCA, pts 4.2 and 4.3)
 - * compensation for permanent injuries (WCA, pt 4.4.)
 - * medical treatment, damage and other costs (WCA, pt 4.5)
 - * compensation for lump sum where death has resulted from an injury to the worker (WCA, s 77 (2) (a))
 - * weekly compensation payable to a dependant who is a child where death has resulted from an injury to the worker (WCA, s 77 (2) (b))
 - * funeral expenses payable where death has resulted from an injury to the worker (WCA, s 77 (2) (c))

(Tick each applicable box)

Note WCA means the Workers Compensation Act.

On the following grounds:

(set out only those grounds which are applicable)

examples of grounds

- 1 that the applicant (or, the deceased worker) was not a worker to whom the Workers Compensation Act applies.
- 2 that the applicant (or, the deceased worker) did not receive any injury on *(date)* or at all.
- 3 that although the applicant (or, the deceased worker) did receive injury on *(date)*, it was not one which arose out of, or in the course of the applicant's employment.
- 4 that the applicant suffered no incapacity for work beyond *(date)*.
- 5 that the applicant's incapacity for work beyond *(date)* did not result from injury arising out of, or in the course of the applicant's employment on *(date)*.
- 6 that the injury to the applicant was attributable to the applicant's serious and wilful misconduct.
- 7 that notice of the alleged injury was not given to the respondent as required by the Workers Compensation Act.

- 8 that the claim for compensation was not made on the respondent within the time required by the Workers Compensation Act.
- 9 that the injury to the applicant (or, the deceased worker) was caused under circumstances creating a legal liability in a person other than the respondent, (name and address of person) to pay damages in relation to the injury, and the applicant (or, the deceased worker) has taken proceedings against that person and has recovered damages from the person.
- 10 in the case of a deceased worker, that although the worker received injury arising out of or in the course of employment, the worker's death did not result from the injury.

2 The respondent admits the following particulars of the application:

(set out particulars of the application that are admitted)

3 The respondent denies the following particulars of the application:

(set out particulars of the application that are denied)

Date:

(signature of respondent or respondent's solicitor)

(name of respondent or respondent's solicitor)

**omit if, or whichever is, inapplicable*