

Form 16 Answer to counterclaim

Court Procedures Rules 2006

(see r 466 (Counterclaim—answer to))

In the *[Supreme/Magistrates] Court of the Australian Capital Territory

No *[SC/MC] of (year)

(name)
Plaintiff

(name)
Defendant

The defendant to the counterclaim relies on the following facts in defence of the counterclaim:

(set out particulars of defence in numbered paragraphs)

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

(complete if the defendant to the counterclaim is a person other than the plaintiff)

***Particulars in an action for possession of land**

(complete if the defendant to the counterclaim chooses not to file a notice of intention to respond)

On *(date)* *(name of Judge/Master/Registrar)* gave the defendant to the counterclaim leave to file this defence.

*The defendant to the counterclaim *(name)* responds to the counterclaim as lessor.

*The defence is limited to the following part of the land:

(set out the part of the land to which the defence is limited)

***Corrected particulars of defendant to counterclaim**

(complete if the particulars of the defendant to the counterclaim stated in the counterclaim are incorrect and the defendant to the counterclaim chooses not to file a notice of intention to respond)

The correct particulars of the defendant to the counterclaim are as follows:

**(if the defendant to counterclaim is an individual)*

Full name:

*[Home/Business] address:

**(if the defendant to counterclaim is a corporation)*

Name:

(if the corporation is a company or a registered body within the meaning of the Corporations Act 2001 (Cwlth))

*[Australian Company Number/Australian Registered Body Number]:

Type of body:

Address of *[registered office/public officer]:

*Representative capacity in which defendant is sued:

*The defendant to the counterclaim agrees to the defendant's name being amended accordingly on the counterclaim.

***Particulars of solicitor for defendant to counterclaim**

(complete if defendant to counterclaim is represented by a solicitor)

Solicitor's full name:

(if the solicitor practises in a firm of solicitors)

*Solicitor's firm:

Solicitor's full business address:

Solicitor's telephone no:

*Name, address and telephone no of solicitor's agent:

Defendant to counterclaim—address for service of documents

(set out address for service of defendant to counterclaim)

(if represented by a solicitor the following information may be provided)

*Document exchange box no:

(if postal address different from address for service)

*Postal address:

*Fax:

*Email address:

Date:

(signature of defendant to the counterclaim or defendant's solicitor)

(name of defendant to the counterclaim or defendant's solicitor)

Notice about response

You have 14 days to file in the Court and serve a response to this answer. If you do not do so, you may be prevented from presenting evidence in relation to allegations of fact made in this answer.

***Certificate that answer to counterclaim has reasonable prospects of success**

(complete this section if the Civil Law (Wrongs) Act 2002, s 188 applies to the action)

I, *(solicitor's full name)* certify that I believe, on the basis of provable facts and a reasonably arguable view of the law, that this answer to counterclaim has reasonable prospects of success.

Date:

(signature of defendant to the counterclaim's solicitor)

(name of defendant to the counterclaim's solicitor)

**omit if, or whichever is, inapplicable*