

Industrial Relations Act 1996 (NSW)

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

**EMPLOYER'S REPLY TO APPLICATION
FOR RELIEF IN RELATION TO UNFAIR DISMISSAL**

DETAILS ON THE APPLICATION FORM (To be completed by the Registry)	
• File number on the application	IRC _____ of _____
• Employer's full name as on the application
• Employee's full name as on the application	Family name _____ Given names _____ Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Other <input type="checkbox"/> <i>(Please specify)</i>

SPECIAL NOTE FOR RESPONDENTS

- Not all employees who believe they have been unfairly dismissed can make an application under this Act. For example, an employee would not be eligible to bring a claim if the employee was:
 - engaged under a contract of employment for a specified period of time, if the specified period is less than 6 months
 - engaged under a contract of employment for a specific task
 - engaged on probation where the probationary period was determined in advance and was of 3 months duration or less
 - employed on a casual basis for a short period
 - a private sector employee not covered by any award earning annual remuneration greater than \$108,300.

NOTE: If you consider the employee is not eligible, you may indicate that in response to question 10.

5. Award or agreement under which the employee was employed, if applicableAward/Agreement
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DETAILS OF REPRESENTATIVE

6. Is anyone representing the employer?	<input type="checkbox"/> No <input type="checkbox"/> Yes (go to question 9) <input type="checkbox"/> Employer Organisation <input type="checkbox"/> Solicitor / Lawyer <input type="checkbox"/> Other Representative
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7. Name of employer organisation, solicitor's firm or other representative
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8. Contact details of representative	<table style="width: 100%;"> <tr> <td style="width: 50%;">Family Name</td> <td style="width: 50%;">Given names</td> </tr> <tr> <td colspan="2">.....</td> </tr> <tr> <td colspan="2">Address</td> </tr> <tr> <td colspan="2">.....</td> </tr> <tr> <td colspan="2">.....</td> </tr> <tr> <td colspan="2"> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> </td> </tr> <tr> <td colspan="2"> Other <input type="checkbox"/> <i>(Please specify)</i> </td> </tr> <tr> <td colspan="2">Work: ()</td> </tr> <tr> <td colspan="2">Fax: ()</td> </tr> </table>	Family Name	Given names		Address			Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/>		Other <input type="checkbox"/> <i>(Please specify)</i>		Work: ()		Fax: ()	
Family Name	Given names																		
.....																			
Address																			
.....																			
.....																			
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/>																			
Other <input type="checkbox"/> <i>(Please specify)</i>																			
Work: ()																			
Fax: ()																			

ADDRESS FOR NOTICES

9. Where do you want notices from the Commission sent?	Address in questions 2-3 <input type="checkbox"/> or 7-8 <input type="checkbox"/>
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RESPONSE TO APPLICATION

10. Do you have any response to the claim that the dismissal was harsh, unreasonable or unjust (limit your answer to the space provided in the attached page - if there is more you wish to say, tell the Commission at the conciliation conference)	
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LATE LODGEMENT (IF APPLICABLE)

11. If the application by your former employee has been lodged in the Commission more than 21 days after the day on which the dismissal took effect, the Commission must decide whether to accept the application. Subsection 85(3) of the *Industrial Relations Act 1996* provides that the Commission may accept an application that is lodged out of time if the Commission considers that there is sufficient reason to do so.

Do you object to the extension of time: Yes No

(Tick whichever is applicable)

If you are unrepresented, complete the following declaration:

Statutory Declaration

I.....of.....

(name)

(address)

.....

(occupation)

do solemnly and sincerely declare that the contents of this Reply as completed by me are true and correct to the best of my knowledge, information and belief and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900* (NSW)

Declared by the Respondent at)

On)

Before me).....

Respondent

.....

Justice of the Peace

Only to be completed by represented respondents

.....

Respondent's representative

FINALLY:

- This Reply must be filed with the Industrial Registry within 10 days of receipt of the Registry letter and you must provide a copy immediately to the applicant, either personally or by post.
- Please read the **INFORMATION SHEET** provided to you by the Registry.
- You will be advised of a conciliation conference date before a member of the Commission. Please ensure that when you attend for the conciliation conference you are prepared to discuss the matter and the question of settlement. You should bring with you all relevant documents and, where possible, copies of those documents, that you have concerning the employment of your former employee for example, payments made upon termination.
- You should make every effort to contact your former employee with a view to settling the claim.

