

Response – Civil Dispute

ACAT File Number: XD

**Do not make payments to ACAT with this response
(except for the filing fee if you are lodging a counter claim)**

**If you do not file this response within 21 days of receiving the application,
judgment may be entered against you.**

Applicant Name:

Respondent Name:

Respondent Contact Details

(For multiple respondents, attach details on a separate page)

Postal Address:

Preferred phone number:

Alternate phone number:

Email:
(preferred address for service)

If a company:
ACN/ARBN
and address
of registered office

Respondent Representative Details (If any)

(any representative who is not a lawyer should file an *Authority to Act for a Corporation* or *Power of Attorney* providing authorisation to represent the respondent)

Name:

Address:

Preferred phone number:

Alternate phone number:

Email:
(preferred address for service)

Response to Application

Please indicate your response:

- Admission of liability (complete Section A)
- Disputed claim (complete Section B)
- Counter claim (complete Section C)
 - Amount of counter claim

Indicating your response:

Complete **Section A** if you are agreeing with the claim against you and admitting liability.

Complete **Section B** if you are disputing the claim against you.

Note: Please complete either Section A or Section B.

Complete **Section A and B** if you are admitting liability in part, and dispute the remainder.

Response to Application

Complete **Section A or Section B** (please attach page if insufficient space):

Section A: Admission of liability (Complete Section A if you are agreeing with the claim against you and admitting liability):

I admit liability:

- in whole or
- in part

and agree to the entry of judgment in the following terms:

Judgment is to be entered in the amount of: \$

The amount of the judgment is to be paid on or before: \$

The amount of the judgment is to be paid by instalments on the following terms: \$

The following orders are to be made:

Or

Section B: Disputed claim (Complete Section B if you are disputing the claim against you).

I dispute the applicant's claim on the following grounds:

Section C. Counter claim (note a filing fee is payable for a counter claim)

Complete this section if you believe that you have a claim against the applicant with respect to this matter (please attach page if insufficient space):

What is the counter claim about?

Please state a brief history of the dispute, including the reasons for the claim:

Orders sought (for counter claim)

(For multiple respondents, attach details on a separate page)

Please describe the orders you want ACAT to make including the details of any amounts you want paid to you.

THE RESPONDENT APPLIES FOR THE FOLLOWING ORDERS (complete Part A and/or Part B):

Part A

Monetary claim. Details of amounts claimed are below:

DETAILS OF AMOUNTS CLAIMED

Amount

- Amount claimed
- ACAT filing fee
(fee for commencing proceedings)
- Search or hearing fees
- Any other amount claimed
(specify amounts sought and reasons claimed):

Particulars of Interest:

Please indicate the preferred method of interest calculation:

Interest to be determined by the Tribunal is claimed in accordance with the *Court Procedures Rules 2006* and ACAT Procedural Directions.

Provide beginning date for interest calculation:
(or attach worksheet specifying amounts and dates relied upon).

OR

Contractual Interest is claimed. Please **attach** interest schedule used to calculate interest.
Include information on the period(s) for which interest is claimed. (Also attach contract or excerpt of contract that authorises contractual interest to be claimed).

Total amount of interest accrued to date:

It is important to provide as much information as you can. The Statement of Interest Claimed Worksheet (available from www.acat.act.gov.au) may be used and attached to your application if more space is required.

TOTAL AMOUNT OF CLAIM:

Part B

For any other orders sought:

- I am claiming the delivery of goods AND/OR
- Other orders are sought for the resolution of any other dispute
(give details below – or attach details on a separate page where more space is required):

AVAILABILITY

Please indicate times or dates in the next 10 weeks that you or your representative may not be available for any conciliation process or hearing.

All respondents to complete

Please complete the attached Checklist for Respondents prior to lodgement with ACAT

**Signature of respondent or
respondent's representative:**
(Where this is a joint
response filed for two or
more respondents, all
respondents must sign the
response).

**Name of respondent or
respondent's representative:**

(Any representative who is not a lawyer must be properly authorised by an *Authority to Act for a Corporation* or *Power of Attorney*)

Date:

Checklist for Respondents

- Response – Civil Dispute* form (available at www.acat.act.gov.au) has been correctly filled out including:
 - Respondent's name and full contact details, including postal and email address are completed
 - Form is signed and dated by all respondents or the respondent's authorised representative. Where there is more than one respondent:
 - Joint response: all respondents to sign
 - Not a joint response: each respondent to file own response.
 - ACAT reference number is quoted. This can be found at the top right hand of your Notice to Respondent of Dispute and will start with the letters "XD"
 - If applicable, acceptance of liability is indicated and the orders agreed to are outlined
 - If applicable, grounds for disputing the claims made against you are outlined.
- Form is submitted to the ACAT before the deadline outlined in the Notice of Dispute.
- If applicable, *Power of Attorney* to represent an individual, or *Authority to Act for a Corporation* to represent a corporation or incorporated association, has been completed (available at www.acat.act.gov.au) and to be filed with the response.
- If a counter claim is being lodged:
 - The nature of the dispute is clearly identified
 - Copies of relevant documents that you will rely on for your counter claim are attached. Examples may include:
 - » Correspondence between parties
 - » Receipts, invoices and/or quotes
 - » Particulars of financial loss.
- Correct lodgement fee is ready to be provided with counter claim. The ACAT accepts cash, bank cheque and credit card payments over the counter, and bank cheque or credit card payments via post. Information on fees payable is available at www.acat.act.gov.au.
- Complete *Request About Payment of Fees* form if you believe that the payment of fees will cause hardship and you wish to apply for a waiver or deferral of fees. Information on fee waivers is available at www.acat.act.gov.au.