

EMPLOYER'S RESPONSE TO UNFAIR DISMISSAL APPLICATION

COMMISSION DETAILS

Industrial Relations Commission of New South Wales

Case number [number]

TITLE OF PROCEEDINGS

Applicant [name]

Respondent (Employer) [name]

FILING DETAILS

Filed for **Respondent**
#Representative [Name of representative] [industrial organisation or firm]
Contact number [telephone]
Contact email [email address]

Is the employer correctly identified in the Unfair Dismissal Application? Yes
 No

If no, what is the correct name? [name of employer]

LISTING DETAILS

The parties will be advised of the date time and place when the Commission will hear this Application. Any enquiries should be made to the Industrial Relations Commission List Clerk, telephone 02 8688 3516.

If there is no attendance by a party or their counsel, solicitor or agent at the time and place as notified to the parties, the proceedings may be heard in their absence and an order may be made against the party who fails to appear.

RESPONSE TO APPLICATION

What is your response to the claim that the applicant's dismissal (or threatened dismissal) was harsh, unreasonable or unjust? Please **be brief** – you will have the opportunity to provide more details to the Commission at the conciliation conference and during any arbitration.

1 []

2 []

SIGNATURE

#Signature on behalf of
Respondent

Capacity [e.g. solicitor, authorised officer of the respondent]

Date of signature [date]

NOTES

1. The application for unfair dismissal must have been filed within 21 days of the date of dismissal of the employee. The Commission may accept an out of time application if it considers that there is sufficient reason to do so. If the application was filed any later than within 21 days of the date of dismissal, the Commission will determine whether the employee should have permission to continue with the claim.
2. Not all employees who believe they have been unfairly dismissed can make an application under Pt 6 of the *Industrial Relations Act 1996*. For example, an employee is not eligible to bring a claim if they are:
 - (1) employed by a private sector employer;
 - (2) engaged under a contract of employment for a specified period of time, if the specified period is less than 6 months;
 - (3) engaged under a contract of employment for a specific task;
 - (4) engaged on probation where the probationary period was determined in advance and was of 3 months duration or less;
 - (5) employed on a casual basis for a short period; or
 - (6) an employee of the state public sector or local government sector not covered by any award earning annual remuneration not greater than that stipulated in cl 5 of the Industrial Relations (General) Regulation 2020 or its successor.
3. This response must be filed with the Industrial Registry within 7 days of receipt of the Registry letter and you must provide a copy of the response immediately to the applicant, either personally or by post.
4. You may, but you are not required to, indicate whether or not you consider the applicant is eligible to bring the claim. If you wish to raise any issue as to the Commission's jurisdiction, you may do so above.
5. You will be advised of a date for a conciliation conference 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. The person attending the conciliation conference should have the authority to settle the matter. You should bring with you any relevant documents that you have concerning the dismissal.
6. You should make every effort to contact the applicant prior to the conciliation with a view to settling the claim.

7. Please ensure that you have completed all of the details in this form carefully. The information you provide in this form must be true and correct to the best of your knowledge and belief.

COMPLIANCE WITH PRACTICE NOTES

Parties must comply with the Practice Notes of the Commission. The Practice Notes may be found at the following website: <https://www.irc.nsw.gov.au/irc/practice-and-procedures/practice-notes.html>.

REGISTRY ADDRESS

Street address	Industrial Relations Commission Level 10, 10 Smith Street Parramatta NSW 2150
Postal address	PO Box 927 Parramatta NSW 2124
Telephone	02 8688 3516