Form 81

Rule 34.05(1)

Originating application under the Fair Work Act 2009
alleging discrimination

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of Applicant]**

Applicant

**[Name of Respondent]**

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

**Time and date for hearing**: [Registry will insert time and date]

**Place**: [address of Court]

Date:

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| --- |
| Signed by an officer acting with the authority of the District Registrar |

**Details of claim under the Fair Work Act**

The Applicant claims that:

1. [Describe the alleged adverse action taken by the employer against the employee / prospective employee. Note - "adverse action" is defined in s342 of the Fair Work Act].
2.
3.

The Applicant relies on sections [state each section of the Fair Work Act that is relevant to this claim] of the *Fair Work Act 2009*.

The Applicant asks the Court for [\*Insert relief sought]an Injunction [\*or]Compensation [\*or]Reinstatement [\*or other - specify].

[Give details. If seeking compensation, give details of amount claimed and calculations eg loss of income]

**Accompanying document**

This application must be accompanied by the certificate issued by the Fair Work Commission under the *Fair Work Act 2009* that the Fair Work Commission is satisfied that all reasonable attempts to resolve the dispute have been, or are likely to be, unsuccessful.

**Employee / Employment details**

[\*Insert if Applicant was employed by the employer]The Applicant commenced employment on [date], working as [describe work / occupation] at [place of work].

[\*Insert if employement has ended]The employment ended on [date]. [\*either]Written notice of termination was not given.[\*or]A copy of the notice of termination is attached.

[\*Insert if application is by a prospective employee]The conduct giving rise to this application occurred on [date(s)]

[\*Complete this section if you are making this application more than 14 days after the day on which the Fair Work Commission issued a certificate under the Fair Work Act. Delete this section if inapplicable]
**Extension of time**

The Applicant asks for an extension of time to lodge this application because [give reasons].

[\*Delete this section if no other relief claimed]
**Other relief**

The Applicant also claims other relief.

1. [Specify in numbered paragraphs all final relief you seek. If you seek relief under a provision of an Act - state the Act and the provision under which the relief is claimed].
2.

**Applicant’s address**

The Applicant’s address for service is:

Place: [see rule 11.01]

Email:

The Applicant’s address is [if the Applicant is an individual - place of residence or business; if the Applicant is a corporation - principal place of business].

**Service on the Respondent**

[\*either]It is intended to serve this application on the Respondent.

[\*or]It is not intended to serve this application on the Respondent.

Date: [eg 19 June 20..]

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| --- |
| Signed by [Name][Insert capacity: Applicant / Lawyer for the Applicant] |

[\* Delete if inapplicable]