Form 116

Rule 34.163(1)

Originating application under the Australian Human Rights Commission Act 1986

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of First Applicant]** [if 2 or more add "and [another/others] named in the schedule"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and [another/others] named in the schedule"]

Respondent[s]

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:

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

**Details of claim under the Australian Human Rights Commission Act 1986**

The Applicant claims that:

1. [Describe the discrimination you are complaining of. (The unlawful discrimination must: (a) be the same or substantially the same as the discrimination that was the subject of the complaint terminated by the Australian Human Rights Commission; or (b) arise out of the same or substantially the same acts, omissions or practices that were the subject of complaint.)].
2.

**Legislation**

The Applicant claims that the discrimination complained of is unlawful under the
[Insert relevant Act and delete others]

[\*]*Age Discrimination Act 2004,*

[\*]*Disability Discrimination Act 1992,*

[\*]*Racial Discrimination Act 1975,*

[\*]*Sex Discrimination Act 1984,*

section(s) [state each section of the Act that is relevant to this claim].

**Remedy sought**

The Applicant asks the Court for [\*Specify what you seek]an apology from the Respondent [\*or]Compensation [\*or other - specify].

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

**Accompanying documents**

This application must be accompanied by:

1. A copy of the original complaint to the Australian Human Rights Commission; and
2. The notice of termination of complaint given by the President of the Australian Human Rights Commission.

[\*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 details**

The Applicant’s relationship to the Respondent is [specify eg employee / former employee / co-employee / customer / other (specify)].

The Applicant is [\*either]over 18 years [\*or]under 18 years.

[\*Delete if no special language requirements]The Applicant is an individual, whose first language is [Applicant's first language]. [\*]The Applicant requires an interpreter at the hearing in the [specify language] language.

[\*Delete if no special hearing requirements]The Applicant has special requirements for the hearing. [Give details of special requirements (e.g. wheelchair access, hearing loop, presence of personal assistant or carer) to enable this matter to proceed in Court].

[\*Delete unless Applicant wishes to be represented by a person who is not a lawyer]The Applicant seeks to be represented by a person who is not a lawyer. [Give details including name of representative; role eg union official and name of firm or organisation].

[\*Complete the following section if your application and claim is made more than 60 days after the date of issue of written notice of the termination of the complaint by the President of the Australian Human Rights Commission]
**Extension of time**

Date of issue of notice under section 46PH(2) of the *Australian Human Rights Commission Act 1986*:

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

**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..]

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

[\* If more than one applicant or respondent, insert names of the second, third, fourth etc as required in this schedule. Delete schedule if not required.]

**Schedule**

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

[\*]**Applicants**

Second Applicant: [Name]

[\* etc]

[\*]**Respondents**

Second Respondent: [Name]

[\* etc]

Date:

[\*delete if inapplicable]