

# Approved Forms – Fair Work Division

Forms approved by the Chief Federal Magistrate, pursuant to Subrule 2.04(1a) of the *Federal Magistrates Court Rules 2001* – from 1 July 2009

Form Name	Federal Magistrates Rules 2001
<p><b>Application – Fair Work Division</b></p> <p>This form is used for commencing proceedings in the Fair Work Division under:</p> <ul style="list-style-type: none"> <li>• the Workplace Relations Act 1996</li> <li>• the Fair Work Act 2009</li> <li>• the Building and Construction Industry Improvement Act 2005</li> </ul> <p><b>What else is filed?</b> Supporting Affidavit/Statement of Claim or Points of Claim unless the Application is filed in accordance with rule 45.04, 45.06, 45.07, 45.08 or 45.12</p> <p><i>Applications filed with an accompanying claim form under Rules 45.04, 45.06, Rule 45.07, Rule 45.08 and 45.12 (see below) need not be accompanied by an affidavit, statement of claim or points of claim.</i></p> <p><b>Small claim proceeding Fair Work Act 2009</b> There is provision for a party to elect for certain claims of \$20,000 or less to be dealt with under the Court's the small claims procedure. If you elect to have your claim dealt with using the small claims procedure you will need to tick the relevant box in the Application (see below for details of accompanying small claim form required to be filed in addition to the Application).</p> <p><b>Interlocutory, interim or procedural orders after commencement:</b> Use <i>Application in a Case</i> where orders are sought after an initiating application has already been filed.</p> <p><b>Response</b> Response – General Federal Law</p> <p><b>What else is filed?</b> Affidavit/Defence or Points of Defence</p>	<p><i>Approved Application for Proceedings in the Fair Work Division – Chapter 7</i></p> <p><i>Subrule 4.05(1) and (2)</i></p> <p><i>Rule 4.08</i></p> <p><i>Rule 4.03</i></p> <p><i>Subrule 4.05(1) and (3)</i></p>
<b>APPROVED CLAIM FORM TO ACCOMPANY APPLICATION</b>	
<p><b>Form 1 - Claim under Workplace Relations Act 1996 for unlawful termination of employment (which occurred prior to 1 July 2009)</b></p> <p><b>What else is filed?</b></p> <ul style="list-style-type: none"> <li>➤ A certificate issued under section 650(2) of the Workplace Relations Act</li> <li>➤ A copy of notice of election to begin court proceedings under section 651 of the Workplace Relations Act</li> </ul>	<p><i>Rule 45.04(2)(b)</i></p>

<p><b>Form 2 - Claim under the Fair Work Act 2009 alleging dismissal in contravention of a general protection</b></p> <p><b>What else is filed?</b>  <b>A certificate</b> issued by Fair Work Australia under s 369 of the Fair Work Act</p>	<p><i>Rule 45.06(b)(ii)</i></p>
<p><b>Form 3 - Claim under the Fair Work Act 2009 alleging unlawful termination of employment</b></p> <p><b>What else is filed?</b>  A certificate issued by Fair Work Australia under s 777 of the Fair Work Act</p>	<p><i>Rule 45.07(b)(ii)</i></p>
<p><b>Form 4 - claim under the Fair Work Act 2009 alleging contravention of a general protection</b></p>	<p><i>Rule 45.08(b)</i></p>
<p><b>Form 5- small claim under the Fair Work Act 2009</b></p> <p><i>Note: a party to a small claim application may not be represented by a lawyer without leave of the Court</i></p> <p><i>Note: there is provision for an applicant to elect for the proceedings to be dealt with under the small claim procedure by ticking the box on the Application – Fair Work Division.</i></p>	<p><i>Rule 45.12(b)</i></p>