

Instructions for completion

APPLICATION – Human Rights

1. This form is used for commencing an application in the Federal Magistrates Court of Australia alleging unlawful discrimination under the *Australian Human Rights Commission Act 1986*; see Rule 41.02A(1) *Federal Magistrates Court Rules 2001*.
2. You must complete address for service details in the footer on page 1. All correspondence concerning the application will be sent to the mailing address inserted and all documents in the proceedings will be deemed to have been served on you if posted to that address. If your address details change you must file a notice of address for service within 7 days of the change and serve a copy on all other parties; see Rule 6.02 *Federal Magistrates Court Rules 2001*.
3. You must insert the name/s and address/es of each respondent in the ‘Important Notice to Respondent/s’ box at the end of the form.
4. The grounds of the application must explain briefly the basis on which the orders are sought. Provided you complete this application form satisfactorily, you do not need to file a supporting affidavit or pleading. However, if you do not fully complete this form, you may also need to file either a pleading by way of a statement of claim or points of claim, or an affidavit setting out the evidence supporting your application. If you file a pleading it should comply with Part 16 of the *Federal Court Rules 2011* and it should identify in summary form the material facts on which you rely, but not the evidence by which those facts are to be proved.
5. You must attach a copy of the complaint that you made to the Australian Human Rights Commission and a copy of the notice of termination to this application.
6. If this application is more than 60 days after the date on the notice of termination, you will need to seek an extension of time by completing Part E of this application form.
7. Unless the Court orders otherwise, an application filed (and other documents filed with it) may not be served less than seven days before the day fixed for the hearing of the application; Rule 6.19 *Federal Magistrates Court Rules 2001*. Service must be by hand, unless the Court otherwise orders. The application and other documents must be served on each party and the person against whom orders are sought if that person is not a party. You must also give a sealed copy of the application, and any other documents filed with the Court, to the Australian Human Rights Commission at least five days before the date fixed for the hearing; see Rule 41.03 *Federal Magistrates Court Rules 2001*.
8. If you are completing this application by hand and you need more space in any section, attach extra page/s as required.
9. Once complete, you need to file the original and a copy of this application for each party to the matter, and a copy for the Australian Human Rights Commission, with the court registry. The Court will keep the original and return the sealed copies to you. You will need to serve a sealed copy on the other party or parties, and the Commission, and keep a copy for your records.

Remove this instruction sheet before filing

**IN THE FEDERAL MAGISTRATES COURT
OF AUSTRALIA
REGISTRY:**

File number:

.....
Applicant

.....
Respondent

Repeat as necessary for additional parties

APPLICATION – Human Rights

Type of application

This application alleges unlawful discrimination under section 46PO of the *Australian Human Rights Commission Act 1986*.

First court date

This application is listed for hearing at (court location):

Court date and time (registry staff to insert): _____ at _____ am/pm.

All parties or their legal representatives should attend this hearing. Default orders may be made if any party fails to attend. The Court may hear and determine all interlocutory or final issues, or may give directions for the future conduct of the proceeding.

.....
(for) Registrar

Date:/...../.....

Filed on behalf of _____
Prepared by _____ Lawyer's code _____
Name of law firm _____
Address for service in Australia _____
State _____ Postcode _____
Email _____ DX _____
Tel _____ Fax _____ Attention _____

Part A – Orders sought

1. Final orders sought by applicant/s

State precisely each order sought by way of final relief. Examples of remedies include an apology from the respondent, employment or re-employment, and compensation.

If you seek compensation you must provide details of how much compensation you are claiming and how the amount has been calculated; for example, loss of income

- 1.
- 2.
- 3.

2. Interlocutory, interim or procedural orders sought by applicant/s

Complete only if interlocutory, interim or procedural orders are sought

- 1.
- 2.
- 3.

Part B – Grounds of Application

3. What discrimination are you 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.*

4. Under what Act is the discrimination you are complaining of unlawful?

- the Age Discrimination Act 2004
- the Disability Discrimination Act 1992
- the Racial Discrimination Act 1975
- the Sex Discrimination Act 1984

5. State all sections of the Act that are relevant to this claim

Part C – The applicant/s

6. Full name(s) <i>Attach extra page for any additional applicants</i>	<input type="checkbox"/> Mr	Family name:	
	<input type="checkbox"/> Mrs <input type="checkbox"/> Ms	Given names:	
7. Home or contact address (incl postcode)			
8. Telephone/Fax No.	Business hours:		After hours:
	Fax no:		
9. Are you over 18 years?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
10. What is your first language? <i>This includes languages such as Sign and Auslan</i>			
11a. Do you need an interpreter at the hearing?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
11b. If yes, please state language or type			
12. Do you have any special requirements? <i>If yes, please give details; for example, wheelchair access, hearing loop, presence of personal assistant or carer.</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Part D – The respondent/s

13. What is your relationship to the person or organisation against whom you bring this application?	<input type="checkbox"/> Employee of person/organisation <input type="checkbox"/> Former employee of person/organisation <input type="checkbox"/> Co-employee <input type="checkbox"/> Customer of person/organisation <input type="checkbox"/> Other (please specify)
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Part E – Extension of time

14. Do you need an extension of time? <i>You must complete this 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. If yes, please provide reasons.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Part F – Required documents

15. These documents must accompany your application and claim

- A copy of your original complaint to the Australian Human Rights Commission (if available).
- The notice of termination of complaint given by the President of the Australian Human Rights Commission

Signature of applicant/s or lawyer

.....
Signed by (print name/s)

the applicant/s or lawyer for the applicant/s

Date:/...../.....

IMPORTANT NOTICE TO RESPONDENT/S

To the respondent (name):

.....

of (address):

.....

If there are two or more respondents, provide details:

.....

You should seek legal advice about this application. You may file a response. If you file a response, you must file and serve the response within 14 days of receiving this application. If you do not file a response, you must file and serve a notice of address for service before the hearing.