IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT [REGISTRY]

File number: ....

....
Applicant

....
Respondent

Repeat as necessary for additional parties

Form 5   Small claim under the Fair Work Act 2009

Fair Work Division
Rule 31.11(2)

Part A – Details of employee or outworker	
1. Name	Mr ☐ Mrs ☐ Ms ☐ Other ☐ (give details): .... Family name: .... Given names: ....
2. Address	....Postcode:............... Email: ....
3. Phone	Business hours: (.....) .... After hours: (.....) .... Mobile: ....
4. Date of birth	............/............/...........
5. First language	☐ English ☐ Other (specify): .... Does the applicant require an interpreter? No ☐ Yes ☐ If Yes, what language: ....

Part B – Details of employer or outworker entity

6. Name of employer or outworker entity	
7. Address or registered office	.... Postcode:............. Phone: (.....) .... Fax: (.....) .... Email: ....

Part C – If the applicant is an individual – details of representation

8. Is an organisation such as a union, acting on your behalf?	☐ No - go to 15 ☐ Yes - go to 9
9. Name of organisation	
10. Address	.... Postcode:..................
11. Contact person	Name: .... Phone: (.....) .... Fax: (.....) .... Email: ....

Part D – If the applicant is an industrial association – details of representation

12. Is a member, officer or employee of the applicant representing it?	☐ No - go to 15 ☐ Yes - go to 13
13. Name of the member, officer or employee	

14. Address	....Postcode:............. ..... Phone: (.....) .... Fax: (.....) .... Email: ....

Part E – Notices from the Court

15. Where do you want notices from the Court sent?	☐ postal address in 2 ☐ email address in 2 ☐ organisation in 9-11 ☐ address in 13-14 ☐ other (give details):..

Part F – Details of work performed by employee or outworker

16. Occupation	
17. Work or services performed	
18. Duties *A brief summary of the employee or outworker's duties*	
19. Classification level under applicable Modern Award, enterprise agreement, workplace determination or contract	
20. Place of work or services	....Postcode:..................

21. Period of employment or outworker contract	Date started work: ..../............/........... Last date worked: ..../............/........... *if employment or outworker arrangement terminated*
22. If the employee's employment or the outworker's contract was terminated, was a written notice of dismissal or termination given?	☐ No ☐ Yes - copy attached
23. Employment status	☐ full-time ☐ part time ☐ casual ☐ fixed term ☐ seasonal ☐ outworker
24. Hours of work	Did the employee or outworker work regular hours? ☐ Yes ☐ No If Yes, complete the following:

Day	Start time *(state am or pm)*	Finish time *(state am or pm)*
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

Part G – Contravention alleged	
25. The applicant alleges that the employer or outworker entity has breached: *select one or more as appropriate)*	☐ one of the National Employment Standards *Please specify the standard:* .... ☐ a term of a Modern Award *Please specify the Modern Award and the relevant term:* .... ☐ an enterprise agreement *Please specify the enterprise agreement and the relevant term:* .... ☐ a workplace determination *Please specify the determination and the relevant provision:* .... ☐ a national minimum wage order *Please specify:* .... ☐ an equal remuneration order *Please specify:* .... ☐ a safety net contractual entitlement *Please specify:* .... ☐ other *Please specify: ....*

Part H – Remedy sought		
26. Tick the box for each sort of claim you are making and insert the amount claimed	☐ wages	$
	☐ overtime rate	$
	☐ penalty rate	$
	☐ allowances	$
	☐ leave	
	☐ annual	$
	☐ personal/carer's	$
	☐ compassionate	$
	☐ other (please identify):	$
	☐ public holiday	$
	☐ redundancy pay	$
	☐ superannuation claim	$
	Total	**$**
27. To whom should any compensation be paid?		

Part I – details of claim	
28. Describe the basis for the claim for each of the boxes ticked in Question 26 and the method of calculation of the amount claimed. Attach an extra sheet if required Attach copies of your Employment Contract, Payslips, Timesheets, relevant correspondence, etc	

Signature of applicant or authorised representative

Signed by (print name) ....

☐ the applicant

☐ authorised representative of the applicant

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