

Sample Statement of claim

This is a sample only. It is important to complete this form with your own details and based on your own circumstances. If you need more help, you should get legal advice.

Form 17
Rule 8.05(1)(a)

Statement of claim

No. **(P)SYG001** of 2013

Federal **Circuit and Family** Court of Australia

District Registry: **NSW**

Division: **Fair Work Division**

Erich Johansson

Applicant

Steelrod Pty Ltd
ACN 111 222 333

Respondent

1. **The applicant claims the relief sought in the originating application.**

The Respondent

2. **At all material times the respondent was a corporation registered in the State of New South Wales.**
3. **The respondent and its employees are covered by the Steelrod Enterprise Agreement 2010 ("the Enterprise Agreement").**
4. **The applicant commenced employment with the respondent as a store person on 10 September 2012.**

Particulars

Signed letter of offer of Erich Johansson dated 6 September 2012

5. **It was a term of the Enterprise Agreement that employees of the respondent could be required to work on Saturdays if asked to do so by or on behalf of an officer of the respondent.**

Particulars

Clause 6.10 of the Enterprise Agreement

6. **It was a term of the Enterprise Agreement that store persons be paid \$25 per hour.**

Particulars

Filed on behalf of (name & role of party) **Erich Johansson, Applicant**

Prepared by (name of person/lawyer) **Erich Johansson**

Law firm (if applicable) _____

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[Form approved 01/08/2011]

Clause 7.25 of the Enterprise Agreement

7. It was a term of the Enterprise Agreement that any work performed by employees on a Saturday would be paid at an hourly rate one and a half times that of the normal hourly rate.

Particulars

Clause 10.45 of the Enterprise Agreement

8. On Saturday, 12 January 2013 the applicant worked for the respondent from 8am to 5pm, with a one hour lunch break from 1pm to 2pm.
9. On 17 January 2013, the applicant was paid for work performed during the previous 14 days, including for work performed on Saturday, 12 January 2013. For the 7 hours worked on Saturday, 12 January 2013, the applicant was paid at the rate of \$25 per hour.
10. On 17 January 2013 the applicant exercised a workplace right.

Particulars

The applicant requested that the respondent pay the applicant at the rate one and a half times the normal hourly rate for work performed on Saturday, 12 January 2013.

11. On 18 January 2013, the applicant was dismissed because
- a. he had a workplace right, and
 - b. he proposed to exercise that workplace right

Particulars

The applicant had the right to be paid penalty rates for working on a Saturday. The applicant tried to exercise that right by asking the respondent to pay him what he was entitled to.

12. The applicant found alternative employment on 14 April 2013.

Relief sought by the applicant

13. The applicant claims the following:
- c. unpaid wages of \$100.00
 - d. compensation of \$10,500.00
 - e. interest on 12(a) and 12(b) at the rate prescribed in rule 22.07 of the *Federal Circuit and Family Court of Australia (Division 2)(General Federal Law) Rules 2021*
 - f. an order that the respondent pay a pecuniary penalty.

Date: **23 July 2013**

E Johansson

Signed by **Erich Johansson**
Applicant

This pleading was prepared by [Name], lawyer

Certificate of lawyer

~~I [name of lawyer] certify to the Court that, in relation to the statement of claim filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.~~

Date: ~~[eg 19 June 20..]~~

~~Signed by [Name of lawyer]
Lawyer for the Applicant~~