

BEFORE THE CONTRACT OF CARRIAGE TRIBUNAL

No. T of 1996

*(Add Title as required by
Schedule 1)*

**NOTIFICATION OF
CLAIM FOR
COMPENSATION
—section 348**

Filed by *(Name of person,
corporation, organisation or
other body filing the document)*

Contact name *(Name of
person conducting the matter)*

Address
Telephone
Facsimile
DX

*(and if solicitors or agents are
acting, add)
by their agents*

Name
Address
Telephone
Facsimile

A. THE CLAIM

1. The Applicant hereby notifies the Industrial Registrar of a claim for compensation in respect of the termination of a head contract of carriage.
2. The Applicant claims:
(state what orders the Applicant wishes the Tribunal to make. In particular state:
 - (i) the name of any carrier, previous carrier, principal contractor or previous principal contractor whom the applicant claims should be joined as a party*
 - (ii) the amount of compensation claimed,*
 - (iii) against whom the order(s) for compensation is or are sought)*

B. DETAILS OF THE REASONS FOR THE CLAIM

1. The grounds and reasons in support of this claim are:
(state briefly, but specifically, in numbered paragraphs, the grounds and reasons to be relied on in support of this Claim)

C. DETAILS OF THE APPLICANT

1. The Applicant is *(Name and address of applicant)* .
2. The name and address of the contract carrier is: *(where not the same as the applicant)*
3. The capacity in which applicant applies is: *(State whether applicant is:*
 - (a) a contract carrier, or*
 - (b) the secretary or other officer of an association of contract carriers registered under the Industrial Relations Act 1996, or*
 - (c) if the carrier is a partnership, a partner in that partnership for the benefit of the partnership, or*
 - (d) if the carrier is a corporation, a director of that corporation, or*
 - (e) if the carrier is a corporation, a shareholder in that corporation authorised by the corporation to take the proceedings)*
4. The address for service is: *(this should be an address (including a telephone number) where documents and telephone advice about the hearing of this application can reach the applicant or the applicant's professional advisors. If a solicitor or registered organisation will be acting in this matter, that address can be the address of the solicitor or registered organisation.)*
5. A contact name for this application is: *(person handling this application for the applicant, including after hours telephone number):*

D. DETAILS OF THE CONTRACT OF CARRIAGE

1. The name and address of the Principal Contractor is:
2. The name and address of the previous carrier whose provision of services to the principal contractor was replaced by the carrier is:
3. The sum of money paid to the previous carrier as a premium or fee in connection with the entry into the head contract was: \$ *(amount)* . This sum was paid on *(date)* .
4. The name of any contract determination applicable is:
5. The head contract of carriage was entered into on *(date)*
6. The head contract of carriage was terminated on *(date)* in the following circumstances
(state briefly but specifically, in numbered paragraphs, details of how the termination occurred. Where it is alleged that termination was by the conduct of the principal contractor that imposed serious financial disadvantage on the carrier, full details of that conduct and how it is alleged that the conduct resulted from factors within the control of the principal contractor, should be given).

7. The amount paid by the principal contractor (including any redundancy payments) in respect of the termination of the contract of carriage was: \$ (amount) . This sum was designated as (state, if any amount paid was designated by the principal contractor as payment for a particular purpose, what that amount(s) and stated purpose(s) was or were.)
8. The truck involved is a (state make, model and year of truck) which was purchased (state whether new or second-hand) on (date) . The estimated resale value of the motor vehicle is: \$ (amount) .
9. The contract carrier (has / has not) been offered a guaranteed flow of work by the principal contractor for a period of (state period, if any) .
10. The compensation claimed was calculated in the following manner:
(state details of how the compensation claimed has been calculated)
11. Other relevant facts:
(state briefly but specifically, in numbered paragraphs, details of any other relevant material the Tribunal should be aware of before listing the application)

E. DETAILS OF THE RESPONDENTS

1. The name and address of the principal contractor is:
2. The name(s) and address(es) of the other persons (if any) the applicant claims should be joined as respondents are:
(Note: A copy of this application must be given to the Respondents listed above as soon as possible after filing the application at the Industrial Registry, 50 Phillip Street, Sydney).

F. SIGNATURE OF APPLICANT

Dated:

Signed:

Full name

Capacity in which signed (for example, Applicant, Solicitor for

Applicant, etc)

To the RESPONDENTS:

(Name each Respondents listed in Part E).

IMPORTANT NOTICE

1. You should file a Notice of Appearance at the Industrial Registry, 50 Phillip Street Sydney, Telephone (number) within 7 days of service of this Notification on you.
2. You should also file an Answer to the Claim for Compensation at the Industrial Registry within 21 days of service of this Notification on you. The form of Notice of Appearance and the Answer are available from the Industrial Registry.
3. Unless the time, place and date of hearing are endorsed on this application, the parties will be subsequently advised of the date time and place when the Tribunal will hear this application. Any enquiries should be made to the Industrial Relations Commission of New South Wales List Clerk, telephone (number).
4. If you do not enter an appearance or file a Defence, or if there is no attendance by you or your counsel, solicitor or agent at the time and place specified in this notice or as notified to you subsequently, the proceedings may be heard in your absence and an order may be made against you.