

Form 68 Version 1	Application for a claim before an Industrial Magistrate <i>Industrial Relations Act 2016, section 506(1)(a) &(b)(ii)(iii)(iv) (v) & (vi), sections 396, 401 and 402 (Form of application for claims (not offences) before an Industrial Magistrate)</i>	R.101 & R.102
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INDUSTRIAL MAGISTRATES COURT at

(place)

[*Industrial Relations Act 2016, section 506*

[*Workers' Compensation and Rehabilitation Act 2003, section [580][581]*]

APPLICATION FOR A CLAIM BEFORE AN INDUSTRIAL MAGISTRATE

In the Magistrates Court at

(place)

BETWEEN

(full name of claimant- if applicable, position, title other description)

Claimant

of

(address)

in the State of Queensland

AND

(full name of defendant)

Defendant

[carrying on business under the registered business name of

] [a company

(name of business)

carrying on business under the Corporations Law] at

(address)

in the said State.

The claimant says that the defendant,

(state the subject matter of the claim)

Whereupon the claimant applies to the Industrial Magistrate for an order directing the defendant to pay in full the amount unpaid, particulars of which are in attachment A.

Claimant

Made before me at

(place)

in the said State on

(day, month and year)

Justice of the Peace

Attachment A, Particulars of amounts payable

(Attachment A must state details of the amounts payable in itemised form showing the dates the amounts claimed became payable, how each calculation was made and the total amount claimed).

(FOR EXAMPLE SEE BELOW).

[(1) Wages payable for period from _____ to _____ .
(start date and end date of claim inclusive)
Wages and allowances: \$
Overtime: \$
(Other)
Total: \$
[Less amount paid] [Nil paid]: \$

Amount unpaid: \$]

[(2) Wages payable (annual leave) for period from _____ to _____ .
(start date and end date of claim inclusive)
_____ weeks at the weekly rate of \$
(no of weeks) *(weekly rate of pay)*
plus *(if applicable)* 17.5% loading: \$]

[AND
(3) Pro rata annual leave for the period from _____ to _____ .
(start date and end date of claim inclusive)
being 1/12 of ordinary earnings of \$
(total ordinary earnings)
plus *(if applicable)* 17.5% loading: \$
[Less amount paid] [Nil paid]: \$]

Amount unpaid \$]

[(4) Wages payable for _____ weeks in lieu of notice of
(no of weeks)
dismissal from employment not given on
_____ *(date of termination)*
at weekly rate of \$ Total: \$
(weekly rate of pay)
Date of birth _____ Employed from _____ to _____
(of employee) *(length of employment)*
[Less amount paid] [Nil paid]: \$

Amount unpaid: \$]

[(5) *(Where an employer has decided to dismiss 15 or more employees, sections 89)*
Wages payable for _____ severance allowance
(no of weeks)
[or other separation benefits] in respect of continuous service of
_____ *(no of years)*
years at weekly rate of \$: \$
(weekly rate of pay)
[Less amount paid] [Nil paid]: \$

Amount unpaid \$]

[(6) *(Set out other claims as the case may be).....*]

TOTAL AMOUNT PAYABLE: \$

SUMMONS

TO:

(defendant)

of

(address)

Whereas the above application for a claim has been made before me: You are hereby commanded, in Her Majesty's name to appear before an Industrial Magistrate at the Industrial Magistrates Court situated at

on

(place)

(day, month year)

at [a.m.] [p.m.] to answer the said application for a claim and to be further dealt with

(time)

according to law.

Given under my hand at

on

(place)

(day, month and year)

(Signature)

(print name)

Justice of the peace

AFFIDAVIT OF SERVICE

I,

of

(full name)

(address)

(occupation)

[swear] [affirm] that on

(day, month and year)

summons, the application for a claim on which the summons was issued and particulars of the claim[s] and the amounts payable, by –

(1) [delivering it to the defendant, personally;]

(name of defendant)

(2) [leaving it with, for the defendant, who could not be

(name of person copy left with)

reasonably found, at

being the defendant's place of

(place copy left)

[residence last known to me] [business last known to me] [usual place of residence] [usual place of business]].

(3) [leaving it at the registered office of the company at

(registered office of defendant company)]

(4) [posting it at [a.m.][p.m.] on the above date, at the post office at

(time)

(address of post office)

by [pre-paid ordinary post] [registered mail], addressed to the defendant at

being the defendant's [residence]

(address posted to)

[place of business] last known to the claimant, at least 21 days before the date on which the defendant is, by the summons, required to appear]. (If served by post)

[I, further [swear] [affirm] that

being the address

(address to which it was posted)

to which it was posted is the defendant's address last known to me by reason of information to my knowledge as the result of investigations (or: insert details)

(Signature)

Claimant

[SWORN] [AFFIRMED] by the claimant at

on

before me

(Signature)

Justice of the peace

(Last page)

PARTICULARS OF THE CLAIMANT

Name:

Position, title, office: *(if applicable)*

Organisation, corporation, association, department: *(if applicable)*

Residential or business address:

Claimant's address for service:

Claimant's phone number or contact phone number:

Claimant's fax number *(if any)*:

Claimant's e-mail address *(if any)*:

[IF CLAIMANT HAS AN AGENT *(An appointment of agent form must accompany this claim, R 12(1)(1))*

Claimant's agent's name:

and corporation or business name:

Agent's business address:

Address for service:

Phone:

Fax:

E-mail address *(if any)*:]

PARTICULARS OF THE DEFENDANT

Name:

Position or title: *(if applicable)*

Corporation, association, firm *(other)*: *(if applicable)*

Residential or business address:

Defendant's address for service:

Defendant's phone or contact phone number:

Defendant's fax number: *(if any)*

Defendant's e-mail address *(if any)*:

[IF DEFENDANT HAS AN AGENT

Defendant's agent's name:

and corporation or business name:

Agent's business address:

Address for service:

Phone:

Fax:

E-mail address *(if any)*:]