



# Form 15 – Application to recover unpaid wages, superannuation contributions etc

seal

*Industrial Relations Act 2016, s 386, s 475**Industrial Relations (Tribunals) Rules 2011, r 76*

## Information

- Use this form as an application to recover **unpaid wages, superannuation contributions etc** for a **State system employee** (generally meaning an employee of the Queensland public sector, local government or an employer declared not to be National system employees), an outworker, an apprentice or a trainee.
- Use this form as an application to recover **unpaid long service/emergency service/jury service leave only** if you are a **National system employee** (generally meaning an employee in the private sector whose entitlements are under the *Fair Work Act 2009*).
- Use this form only if the total amount claimed is **\$100,000 or less**. For amounts over \$100,000, a claim may be filed with the Magistrates Court.
- For more information on recovering unpaid wages etc, please see the Wage Recovery section on the website [www.qirc.qld.gov.au](http://www.qirc.qld.gov.au).
- Please note, legal representation is not permitted in this application.
- Please read this form carefully and complete all relevant sections. Information that is missing or non-compliant with the relevant section of an Act or the Rules may result in the non-acceptance of your form.
- Documents which are longer than 30 pages in length must be provided to the Industrial Registry in hard copy before it will be accepted for filing.
- For further information please refer to the website [www.qirc.qld.gov.au](http://www.qirc.qld.gov.au) or contact the Industrial Registry on 1300 592 987 or via email at [qirc.registry@qirc.qld.gov.au](mailto:qirc.registry@qirc.qld.gov.au).

**Applicant:**

v

**Respondent:**

If there are more than two parties to this application, please complete a **Form 1 – Parties list** and file with this form.

## Application

This application is made to the Queensland Industrial Relations Commission pursuant to the following section/s of the *Industrial Relations Act 2016*:

|   |  |   |   |   |
|---|--|---|---|---|
| <input type="checkbox"/> s 475(1)(a)<br>[unpaid wages, salary, leave etc] | <input type="checkbox"/> s 475(1)(b)<br>[apprentice's unpaid tool allowance under s 137] | <input type="checkbox"/> s 475(1)(c)<br>[remuneration lost by an apprentice or trainee] | <input type="checkbox"/> s 475(1)(d)<br>[unpaid superannuation contributions] | <input type="checkbox"/> s 386(1)<br>[outworker unpaid wages or superannuation contributions] |
|---|--|---|---|---|

### 1. Applicant/Employee's details

|  |                             |                              |                             |                               |                             |                                       |
|--|-----------------------------|------------------------------|-----------------------------|-------------------------------|-----------------------------|---------------------------------------|
| Title [please select]:                                       | <input type="checkbox"/> Mr | <input type="checkbox"/> Mrs | <input type="checkbox"/> Ms | <input type="checkbox"/> Miss | <input type="checkbox"/> Mx | <input type="checkbox"/> Other: _____ |
| Name of Applicant/<br>Employee:                              |                             |                              |                             |                               |                             |                                       |
| Name of contact person:<br>[if Applicant is an organisation] |                             |                              |                             |                               |                             |                                       |
| Postal/Service address:                                      |                             |                              |                             |                               |                             |                                       |
|  | Suburb/Town                 |                              |                             |                               | Postcode                    |                                       |
| Phone number:  |                             | Mobile number:               |                             |                               |                             |                                       |
| Email address:   |                             |                              |                             |                               |                             |                                       |

### 2. Employee's details (if employee is not the applicant)

|                         |                             |                              |                             |                               |                             |                                       |
|-------------------------|-----------------------------|------------------------------|-----------------------------|-------------------------------|-----------------------------|---------------------------------------|
| Title [please select]:  | <input type="checkbox"/> Mr | <input type="checkbox"/> Mrs | <input type="checkbox"/> Ms | <input type="checkbox"/> Miss | <input type="checkbox"/> Mx | <input type="checkbox"/> Other: _____ |
| Name of Employee:       |                             |                              |                             |                               |                             |                                       |
| Postal/Service address: |                             |                              |                             |                               |                             |                                       |
|                         | Suburb/Town                 |                              |                             |                               | Postcode                    |                                       |
| Phone number:           |                             | Mobile number:               |                             |                               |                             |                                       |
| Email address:          |                             |                              |                             |                               |                             |                                       |

### 3. Applicant's representative [if applicable]

[Please note legal representation is not permitted. Please see s 530 of the *Industrial Relations Act 2016* regarding representation]

|                         |             |                |  |  |          |  |
|-------------------------|-------------|----------------|--|--|----------|--|
| Organisation:           |             |                |  |  |          |  |
| Name of contact person: |             |                |  |  |          |  |
| Postal/Service address: |             |                |  |  |          |  |
|                         | Suburb/Town |                |  |  | Postcode |  |
| Phone number:           |             | Mobile number: |  |  |          |  |
| Email address:          |             |                |  |  |          |  |

### 4. Respondent

|                         |             |                |  |  |          |  |
|-------------------------|-------------|----------------|--|--|----------|--|
| Name of Respondent:     |             |                |  |  |          |  |
| Name of contact person: |             |                |  |  |          |  |
| Postal/Service address: |             |                |  |  |          |  |
|                         | Suburb/Town |                |  |  | Postcode |  |
| Phone number:           |             | Mobile number: |  |  |          |  |
| Email address:          |             |                |  |  |          |  |

## 5. Declaration.

I declare that no other application to a Magistrate for a claim, in accordance with s 379, s 386 or s 396 of the *Industrial Relations Act 2016*, has been made by or on behalf of the employee for the same matter.

☐

## 6. Signature of Applicant/Employee or representative

Signature:

Name:

Date:

## 7. Details of work performed by employee

7.1 Occupation  
[and classification if applicable]

7.2 Is/was the employee a trainee or apprentice?

☐

Yes

☐

No

7.3 Is/was the employee an outworker?

☐

Yes

☐

No

7.4 Is/was the employee under an order in accordance with s 140 of the Act (a labour market program) fixing remuneration and conditions applying to a vocational placement?

☐

Yes

☐

No

7.5 Is/was the employee a National System employee (employed in the private sector)?

☐

Yes

☐

No

7.6 Was the employee's employment terminated?

☐

Yes

☐

No

7.7 Is/was the employee's employment covered by an industrial instrument (an award or agreement)?

☐

Yes

☐

No

If yes, name of industrial instrument:

7.8 Work performed or services provided

7.9 Place/location where work performed, or services provided

7.10 Period of employment

Date employment commenced:

Last date worked:

7.11 Employment status

☐

Full-time

☐

Part time

☐

Casual

☐

Fixed term

7.12 Total amount sought:  
[Please complete Part 9, outlining the particulars of the amount sought]

\$

## 8. Decision sought

Please outline, in consecutively numbered paragraphs, the details of the decision/order you are seeking.

*Please attach a schedule if more room required*

## 9. Particulars of amounts payable

Part 9 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.

**Leave section blank if not applicable**

### 9.1 Wages payable

|                                     |  |                  |    |
|-------------------------------------|--|------------------|----|
| Date payable from:                  |  | Date payable to: |    |
| Wages and allowances:               |  |                  | \$ |
| Overtime:                           |  |                  | \$ |
| Other e.g. unauthorised deductions: |  |                  | \$ |
| Total:                              |  |                  | \$ |
| Less amount paid:                   |  |                  | \$ |
| <b>Amount unpaid:</b>               |  |                  | \$ |

### 9.2 Annual leave payable

|   |  |                  |    |
|---|--|------------------|----|
| <b>Annual leave</b>                               |  |                  |    |
| Date payable from:                                |  | Date payable to: |    |
| Number of weeks:                                  |  | Weekly rate:     | \$ |
| Plus 17.5% loading (if applicable)                |  |                  | \$ |
| Total annual leave:                               |  |                  | \$ |
| <b>Pro rata annual leave</b>                      |  |                  |    |
| Date payable from:                                |  | Date payable to: |    |
| Total ordinary earnings (to multiply by 1/12):    |  |                  | \$ |
| Plus 17.5% loading (if applicable)                |  |                  | \$ |
| Total pro rata annual leave:                      |  |                  | \$ |
| <b>Totals</b>                                     |  |                  |    |
| Total annual leave + total pro rata annual leave: |  |                  | \$ |
| Less amount paid:                                 |  |                  | \$ |
| <b>Amount unpaid:</b>                             |  |                  | \$ |

**9.3 Long Service Leave**

|                             |  |   |    |
|-----------------------------|--|---|----|
| Date payable from:          |  | Date payable to:  |    |
| Number of hours/days/weeks: |  | Rate per <input type="checkbox"/> Hour <input type="checkbox"/> Week: | \$ |
| Total long service leave:   |  |   | \$ |
| Less amount paid:           |  |   | \$ |
| <b>Amount unpaid:</b>       |  |   | \$ |

**9.4 Unpaid tool allowance for an apprentice**

|                       |  |                  |    |
|-----------------------|--|------------------|----|
| Date payable from:    |  | Date payable to: |    |
| Total tool allowance: |  |                  | \$ |
| Less amount paid:     |  |                  | \$ |
| <b>Amount unpaid:</b> |  |                  | \$ |

**9.5 Unpaid remuneration/unauthorised deductions for an apprentice/trainee**

|                         |  |                  |    |
|-------------------------|--|------------------|----|
| Date payable from:      |  | Date payable to: |    |
| Total remuneration:     |  |                  | \$ |
| Unauthorised deduction: |  |                  | \$ |
| Less amount paid:       |  |                  | \$ |
| <b>Amount unpaid:</b>   |  |                  | \$ |

**9.6 Unpaid superannuation contributions**

|                                     |  |                  |    |
|-------------------------------------|--|------------------|----|
| Date payable from:                  |  | Date payable to: |    |
| Approved superannuation fund:       |  |                  |    |
| Total superannuation contributions: |  |                  | \$ |
| Less amount paid:                   |  |                  | \$ |
| <b>Amount unpaid:</b>               |  |                  | \$ |

**9.7 Wages payable in lieu of notice**

|  |  |                                |    |
|--|--|--------------------------------|----|
| Number of weeks' notice required:          |  | Number of weeks' notice given: |    |
| Number of weeks payable in lieu of notice: |  | Date of termination:           |    |
| Weekly rate of pay:                        |  |                                | \$ |
| Date of birth:                             |  |                                |    |
| Date employed from:                        |  | Date employed to:              |    |
| Length of employment:                      |  |                                |    |
| Total:                                     |  |                                | \$ |
| Less amount paid:                          |  |                                | \$ |
| <b>Amount unpaid:</b>                      |  |                                | \$ |

**9.8 Severance allowance payable**

|   |    |
|---|----|
| Number of weeks' severance allowance payable: |    |
| Number of years continuous service:           |    |
| Weekly rate of pay:                           | \$ |
| Total:  | \$ |
| Less amount paid:                             | \$ |
| <b>Amount unpaid:</b>                         | \$ |

| 9.9 Summary of total amount payable                        |    |
|--|----|
| 9.1 Total unpaid wages:                                    | \$ |
| 9.2 Total unpaid annual leave:                             | \$ |
| 9.3 Total unpaid long service leave:                       | \$ |
| 9.4 Total unpaid tool allowance (for an apprentice):       | \$ |
| 9.5 Total unpaid remuneration (for an apprentice/trainee): | \$ |
| 9.6 Total unpaid superannuation contributions:             | \$ |
| 9.7 Total unpaid wages in lieu of notice:                  | \$ |
| 9.8 Total unpaid severance allowance:                      | \$ |
| <b>Total amount unpaid:</b>                                | \$ |