



# Form 68 – Application for a claim before an Industrial Magistrate

*Industrial Relations Act 2016, sections 379, 386, 396, 402 and 506*  
*Industrial Relations (Tribunals) Rules 2011, rules 101 and 102, Part 3B*

## Information

- Use this form to make a claim in the Industrial Magistrates Court. It is to be filed in a Magistrates Court.
- An Unpaid Amount Claim *may* be referred to the Queensland Industrial Relations Commission for a conciliation conference, in accordance with s 547C(2) of the *Industrial Relations Act 2016*. If the Unpaid Amount Claim is not resolved in the conciliation process, it will be referred to the relevant Industrial Magistrates Court for hearing before an Industrial Magistrate.
- Please read this form carefully. Please complete all relevant sections. Information that is missing or non-compliant with the relevant section of an Act or Rules may result in the non-acceptance of your form.
- For further information please visit the website at [qirc.qld.gov.au](http://qirc.qld.gov.au)

**Applicant/Claimant:**

**v**

**Respondent/Defendant:**

**PLEASE NOTE:** 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 pursuant to the following section/s of the *Industrial Relations Act 2016*:

s 379

s 386

s 396

s 402

s 506

The Applicant/Claimant applies to the Industrial Magistrate for an order directing the Respondent/Defendant to pay the amount claimed, the particulars of which are contained in this application, to:

Name of person to whom payment is to be made:

## 1. Applicant/Claimant's details

**Title [please select]**

Mr

Mrs

Ms

Miss

Mx

Other: \_\_\_\_\_

**Name of Applicant/  
Claimant:**

**Organisation:**

**Name of contact person:**

**Postal/Service address:**

Suburb/Town

Postcode

**Phone number:**

**Mobile number:**

**Email address:**

## 2. Claimant's details (if Claimant is not the Applicant)

<b>Title [please select]</b>	Mr	Mrs	Ms	Miss	Mx	Other: _____
<b>Name of Claimant:</b>						
<b>Postal/Service address:</b>						
	Suburb/Town					Postcode
<b>Phone number:</b>			<b>Mobile number:</b>			
<b>Email address:</b>						

## 3. Respondent/Defendant's details

<b>Title [please select]</b>	Mr	Mrs	Ms	Miss	Mx	Other: _____
<b>Name of Respondent/Defendant:</b>						
<b>Name of contact person:</b>						
<b>Postal/Service address:</b>						
	Suburb/Town					Postcode
<b>Phone number:</b>			<b>Mobile number:</b>			
<b>Email address:</b>						

## 4. Signature of Applicant/Claimant

<b>Signature:</b>	
<b>Name:</b>	
<b>Date:</b>	
If the application is being made pursuant to s 402 or s 506 <i>only</i> of the <i>Industrial Relations Act 2016</i> , the application must be signed by a Justice of the Peace below.	
<b>Before me (witness name):</b>	
<b>At (location):</b>	
<b>Signature:</b>	
	Justice of the Peace
<b>Date:</b>	

## 5. Subject matter of the claim

*Please attach a schedule if more room required - particulars of amounts payable to be included in Schedule 1*

## Schedule 1 - Particulars of amounts payable

Schedule 1 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**

### 1.1 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>			\$

### 1.2 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>			\$

### 1.3 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>			\$

### 1.4 Unpaid tool allowance for an apprentice

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

### 1.5 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>			\$

**1.6 Unpaid superannuation contributions**

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

**1.7 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>			\$

**1.8 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>	\$

**1.9 Summary of amount payable**

1.1 Total unpaid wages:	\$
1.2 Total unpaid annual leave:	\$
1.3 Total unpaid long service leave:	\$
1.4 Total unpaid tool allowance (for an apprentice):	\$
1.5 Total unpaid remuneration (for an apprentice/trainee):	\$
1.6 Total unpaid superannuation contributions:	\$
1.7 Total unpaid wages in lieu of notice:	\$
1.8 Total unpaid severance allowance:	\$
<b>Total amount unpaid:</b>	\$

**1.9 Details of claim for damages suffered by an employee because of the employer failing to pay the employee's wages**  
(See s 506(1)(b)(iii) of the *Industrial Relations Act 2016*).

*Details of claim - Please attach a schedule if more room required*

**1.10 Details of claim for damages for contravention of an agreement made under an industrial instrument**  
(See s 506(1)(b)(v) of the *Industrial Relations Act 2016*).

<b>Name of Industrial Instrument:</b>	

*Details of claim - Please attach a schedule if more room required*

**Schedule 2 - Particulars of claim for repayment of a fee received by a private employment agent**  
(See s 402 of the *Industrial Relations Act 2016*).

**2.1 Declaration** (*Select and complete all that apply*)

1.	I declare that no other application in accordance with s 403 of the <i>Industrial Relations Act 2016</i> has been made by or on behalf of the Claimant.	<input type="checkbox"/>
2.	Is the Claimant a model or performer?	<input type="checkbox"/> Yes <input type="checkbox"/> No (go to question 3)
(a)	Did the private employment agent directly or indirectly demand or receive a finder's fee?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(b)	Did the agent give the Claimant a written notice stating the particulars prescribed by regulation 12 of the <i>Industrial Relations Regulation 2018</i> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(c)	Was the fee payable more than the percentage prescribed by regulation 13 of the <i>Industrial Relations Regulation 2018</i> of the gross amount payable to the Claimant for the work, excluding any allowances or payments prescribed by regulation 14 of the <i>Industrial Relations Regulation 2018</i> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Did the private employment agent directly or indirectly demand or receive a finder's fee?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	The amount payable to the Claimant/Applicant is at least the amount payable under the: Name of award or agreement: _____	
5.	The total amount claimed is: (Outline the particulars of the amount claimed in 2.2)	\$ _____

**2.2 Particulars of the amount claimed**

*Please attach a schedule if more room required*

**2.3 Summons** [for the purpose of a claim for *repayment of a fee received by a private employment* agent only]

<b>To:</b>	
<b>Address:</b>	

Whereas the above application for a claim has been made before me:

\_\_\_\_\_

You are hereby commanded, in His Majesty's name, to appear before an Industrial Magistrate to answer the said application for a claim and to be further dealt with according to law.

**Industrial Magistrates Court at:**

<b>Place:</b>	
<b>Date:</b>	
<b>Time:</b>	

**Given under my hand at:**

<b>Place:</b>	
<b>Signature:</b>	
<b>Name:</b>	
<b>Date:</b>	