



Matter Number:

/ /

Form 68 – Claim before an Industrial Magistrate

Industrial Relations Act 2016, sections 506, 379, 386, 396 and 402

Industrial Relations (Tribunals) Rules 2011, rules 101 and 102

seal

Information

- Use this form to make a claim in the Industrial Magistrates Court.
- 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 the Rules may result in the rejection of your form.

For further information please contact the Industrial Registry on 1300 592 987 or via email at girc.registry@girc.qld.gov.au

Claimant:	

V

Defendant:	

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

This is an application to the Industrial Magistrates Court, pursuant to s379 s386 s396 s402 s506 of the *Industrial Relations Act 2016*.

1. Claimant

Title: (please select)	Mr	Mrs	Ms	Miss	Mx	Other:
Name of claimant:						
Postal address:						
	Suburb/Town					Postcode
Phone number:				Fax number:		
Mobile number:						
Email address:						

2. Defendant

Name of defendant:			
Name of contact person:			
Postal address:			
Suburb/Town			Postcode
Phone number:		Fax number:	
Mobile number:			
Email address:			

3. Subject matter of the claim

1000 character limit.

The claimant applies to the Industrial Magistrate for an order directing the defendant to pay the amount claimed, particulars of which are attached.

Claimant

Signature:	
Made before me at:	
on:	/ /
Signature:	Justice of the Peace
Date:	/ /

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, r.76).

1. Wages payable			
Date payable from:	/ /	Date payable to:	/ /
Wages and allowances:		\$	
Overtime:		\$	
Other:		\$	
Total:		\$	
Less amount paid:		\$	
Amount unpaid:		\$	

2. Annual leave payable			
Annual leave			
Date payable from:	/ /	Date payable to:	/ /
Number of weeks:			
Weekly rate:		\$	
Plus 17.5% loading (if applicable):		\$	
Total annual leave:		\$	

Pro rata annual leave			
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:		\$	
Totals			
Total annual leave + total pro rata annual leave:		\$	
Less amount paid:		\$	
Amount unpaid:		\$	

3. Wages payable in lieu of notice			
Number of weeks notice required:			
Number of weeks notice given:			
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:		\$	
Amount unpaid:		\$	

4. Severance allowance payable

Number of weeks severance allowance payable:	
Number of years continuous service:	
Weekly rate of pay:	\$
Total:	\$
Less amount paid:	\$
Amount unpaid:	\$

5. Summary of amount payable

1. Total unpaid wages:	\$
2. Total unpaid annual leave:	\$
3. Total unpaid in lieu of notice:	\$
4. Total unpaid severance allowance:	\$
Total amount unpaid:	\$

6. Details of claim for damages suffered by an employee because of the employer failing to pay the employee's wages

(see s506(1)(b)(iii)) 1000 character limit. (Note: If more than 1000 characters are required please attach a schedule)

7. Details of claim for damages for contravention of an agreement made under an industrial instrument

(see s506(1)(b)(v)) 1000 character limit. (Note: If more than 1000 characters are required please attach a schedule)

Schedule 2 – Particulars of claim for repayment of a fee received by a private employment agent

Declaration

I declare that: *(Select and complete all that apply)*

Neither I, nor to the best of my knowledge and belief, has any other person eligible to make application under section 402 of the Act in relation to

myself the claimant made an application under section 403 of the Act for the same matter.

I the claimant am am not is is not a model performer.

The respondent contravened section 400(1) of the Act because I the claimant am is not a model or performer and the respondent directly indirectly demanded received a fee for finding attempting to find, me the claimant work

The respondent contravened section 400(2) of the Act because:

I the claimant am is a model performer and the respondent directly indirectly demanded received a fee for finding attempting to find, me the claimant work; or

The respondent did not give me a written notice stating the particulars required under regulation section 12; or

The fee payable is more than the percentage prescribed under regulation section 13 of the gross amount payable, excluding any allowances and payments prescribed under regulation section 14, for the work; or

The amount payable to me the claimant is at least the amount payable under the:

(name the award or agreement that applies to the work and the rate of payment)

Particulars of amount claimed

3000 character limit. *(Note: If more than 1000 characters are required please attach a schedule)*

Summons

To:	
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Address:	
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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 to answer the said application for a claim and to be further dealt with according to law.

Industrial Magistrates Court at

Address:	
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Time		Date	/	/
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Given under my hand at:

On:	
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Signature:	
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Name:	
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Date:	/	/
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