

Form 13 - Application for payment instead of taking long service leave

Industrial Relations Act 2016, section 110

Industrial Relations (Tribunals) Rules 2011, rule 149

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Information

- Use this form to make an application for payment instead of taking long service leave.
- 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.
- Once this form has been processed the Industrial Registry will contact you and provide you with a sealed copy of the application.

For information on completing the application see the [Application Guide](#) located on our website at www.qirc.qld.gov.au

PLEASE NOTE: Practice Direction 3 of 2021 - ELECTRONIC FILING AND HARD COPIES OF DOCUMENTS. Documents which are longer than 30 pages in length must be supplied to the Industrial Registry in hard copy before it will be accepted for filing.

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

This is an application to the Queensland Industrial Relations Commission in accordance with s 110 of the *Industrial Relations Act 2016*.

1. Applicant

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

Signed: _____
(applicant [deponent])

Taken by: _____
(person taking the affidavit to sign)
Justice of the Peace/Commissioner for Declarations/Lawyer

2. Applicant's representative (if applicable)

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

3. Interested party (employer)

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

4. Your employment:

4.1 What date did you commence employment with your employer?	____/____/____		
4.2 What date did you become entitled to take long service leave? (see s95(2) of the Act e.g. completed 10 years continuous service)	____/____/____		
4.3 What are the grounds on which you are applying? (Please also complete schedule 1 - you will be able to provide more information regarding the reasons for the application)	Financial Hardship and/or Compassionate		
4.4 What is the amount of Long Service Leave you are applying for?			
Hours: _____	Days: _____	Weeks: _____	Monetary Value: _____
			Net (after tax) GROSS (before tax)

Signed: _____
(applicant [deponent])

Taken by: _____
(person taking the affidavit to sign)
Justice of the Peace/Commissioner for Declarations/Lawyer

Further, I make oath and say solemnly and sincerely affirm and declare

All the facts and circumstances deposed to are within my own knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

Signature of applicant (deponent):	
Signature:	
Name:	
Date:	___/___/___

Taken by:	
Sworn/Affirmed by the deponent at (place):	
Date:	___/___/___
Signature:	
Name:	
Justice of the Peace/Commissioner for Declarations/Lawyer	

Certificate:

Pursuant to section 55 of the *Industrial Relations (Tribunals) Rules 2011*

I certify that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit.

I certify that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit, but was physically incapable of signing it.

Please note - Only pages 1 to 3 will be provided to the employer

Upon receipt of your application, your employer will be requested to provide the following information to the Commission:

- the employer's full business name and ABN/ACN (if applicable);
- confirm the date the applicant's continuous service with the employer commenced;
- confirm the present nature of the applicant's employment (part-time/full-time);
- the applicant's **present entitlement** to long service leave (e.g. the full entitlement accrued to date, represented in hours, days, weeks);
- confirm the gross and net monetary value of the amount of long service leave **applied for** by the applicant; and
- the title of the industrial instrument applying to the applicant's employment (e.g. Award/Agreement).

Schedule 1 (Not to be provided to employer)

1. Set out clearly the particulars of the reasons/grounds for this application (i.e. whether it is for compassionate reasons or as a result of financial hardship, and how the money will be used).

Add additional pages if required

Schedule 1 continued (Not to be provided to employer)

2. In order to approve your application, the Commission needs to be satisfied that you are in financial hardship and/or need to access a payout of your long service leave on compassionate grounds. The provision of the below information will assist.

List all assets (<i>What you own</i>) (e.g. house, car, boat, furniture and contents, investment property etc)	Approximate Amount \$
List all liabilities (<i>What you owe</i>) (e.g. amount left to pay on mortgage, personal loans, credit cards debts etc)	Approximate Amount \$
List all sources of income (e.g. pay [<i>attach two recent payslips</i>], shares, rental property income, etc)	Approximate Amount (per week) \$
List normal expenditure (e.g. mortgage repayments, rent, bills, groceries, living expenses, etc)	Approximate Amount (per week) \$

Add additional pages if required

3. I confirm that:

I have signed pages 1, 2 and 3 and had my signature witnessed by a Justice of the Peace (JP), a Commissioner for Declarations or a Lawyer on each of pages 1, 2 and 3.

I have provided my reasons/grounds for making the application by completing page 4.

I have provided an outline of my current financial situation by completing page 5.

I have attached **copies** (originals not required) of two recent **pay slips** as proof of my current income.

I have attached **copies** (originals not required) of documents in support of my application (e.g. bank/credit card statements, letters of demand, current bills).

I have entitlement to payment instead of taking long service leave (e.g. have completed at least 10 years of continuous service).

To check your long service leave entitlements, speak with your employer. If your portable long service leave is held by **QLeave**, please contact them on 1300 753 283.

4. I acknowledge that, if my application is approved:

My long service leave entitlement balance will be reduced by the amount of days/weeks I have requested to be paid to me and that I have no further claim to that entitlement.

My payment instead of taking long service leave is calculated at the ordinary rate of pay and will be subject to appropriate taxation provisions.