

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

Industrial Relations Act 2016, section 475, 386

Industrial Relations (Tribunals) Rules 2011, rule 76

Information

Use this form to apply for the recovery of unpaid wages, superannuation contributions etc if you are a state system employee. National system, or private sector employees may only use this form to recover unpaid long service leave.

- Wages are defined under the Industrial Relations Act 2016 to be:
 - (a) an amount payable to an employees for -
 - (i) work performed, or to be performed, by the employee; or
 - (ii) a public holiday; or
 - (iii) leave the employee is entitled to; or
 - (iv) termination of employment; or
 - (b) a salary; or
 - (c) an amount payable from wages for the employee, with the employee's written consent.
- 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 your form has been processed the Industrial Registry will contact you and provide you with a sealed copy of your application.

NOTE TO RESPONDENT: If you wish to oppose this application you must attend before the commission in person or, if appropriate, by your agent at the time, date and place fixed by the registrar or the clerk of the magistrates court. If you do not attend as required a decision may be given against you in terms of the decision sought and costs, where appropriate, without further reference to you.

Practice Note 1 of 2018 - 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

IMPORTANT NOTE TO PARTIES: Pursuant to section 530(2)(b) of the Industrial Relations Act 2016 a person or party must not be represented by a lawyer in proceedings before the commission under section 403 or 475.

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



*Industrial Relations Act 2016, section 475, 386
Industrial Relations (Tribunals) Rules 2011, rule 76*

Applicant:	

v

Respondent:	

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.

Application

This is an application to the Queensland Industrial Relations Commission, pursuant to section 475 of the *Industrial Relations Act 2016* for an order for payment of unpaid wages unpaid salary unpaid tool allowance remuneration lost in relation to section 391(2) of the Act remuneration unpaid in relation to section 140 of the Act unpaid superannuation contributions unpaid wages under section 122(1)(b) of the Act unpaid wages under section 326 of the Act (or as the case may be); and

1. Applicant

Title: (please select)	Mr	Mrs	Ms	Miss	Mx	Other:
Name of applicant:						
Postal address:						
	Suburb/Town					Postcode
Phone number:				Fax number:		
Mobile number:						
Email address:						
Does the applicant have a representative?						
A representative might be a union, an agent or a family member or friend who will speak on behalf of the applicant. There is no requirement to have a representative.						
Yes - provide representative's details below and file a Form 33 or 34						
No						

2. Applicant's representative

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

3. The Respondent

The applicant must serve a copy of this application on the respondent

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

4. Details of decision sought

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

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5. Declaration

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

<input type="checkbox"/>	I am is was a trainee or apprentice.
<input type="checkbox"/>	I am not is not was not a trainee or apprentice.
<input type="checkbox"/>	I am is was under an order under section 140 of the Act fixing remuneration and conditions applying to vocational placement.
<input type="checkbox"/>	Neither I, nor to the best of my knowledge and belief, has any other person eligible to make application under section 476(2) of the Act in relation to myself the employee made an application under section 379 or 396 of the Act for the same matter.
<input type="checkbox"/>	The respondent, being an employer within the meaning of the <i>Industrial Relations Act 2016</i> employed me / the employee at: <i>(place where employee was employed)</i>
	as a: <i>(applicant or employee's occupation)</i>
	and I the employee performed the following work: <i>(set out nature of work undertaken)</i>
<input type="checkbox"/>	I The employee was employed under the: <i>(name of industrial instrument or other basis for claims eg order fixing remuneration and conditions for students for vocational placement, other contract of service)</i>
<input type="checkbox"/>	I state that wages (wages includes salary) payable to me the employee for work performed remain unpaid by the respondent in the sum of \$
<input type="checkbox"/>	I state that wages payable to me the employee for annual leave and/or pro rata annual leave remain unpaid by the respondent in the sum of \$
<input type="checkbox"/>	I state that an amount payable to me the employee for tool allowance etc. under section 137 remains unpaid by the respondent in the sum of \$
<input type="checkbox"/>	I state that contributions payable for me the employee to the <i>(full name and address of approved superannuation fund)</i>
	remain unpaid by the respondent in the sum of \$
	I state that remuneration lost by me the employee because the respondent contravened section 371(2) of the Act and which remains unpaid by the respondent is the sum of \$
<input type="checkbox"/>	I state that remuneration lost by me the employee because the respondent contravened an order mentioned in section 140 of the Act and which remains unpaid by the respondent is the sum of \$
<input type="checkbox"/>	I state that the amount payable to me the employee by the respondent and which remains unpaid for wages in lieu of notice to dismiss under section 124 of the Act is the sum of \$
<input type="checkbox"/>	I state that the amount payable to me the employee by the respondent and which remains unpaid for wages for severance or other separation benefits under section 326 of the Act is the sum of \$

	I state that the amount payable to me the employee by the respondent and which remains unpaid for wages for <i>(insert any other amounts being claimed and basis for claim)</i>
	is the sum of \$
	Full particulars of these amounts are set out in Schedule 1 attached.
	<i>(state any other matters here)</i>

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:			w
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:	\$

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

STATUTORY DECLARATION

Oaths Act 1867

QUEENSLAND

TO WIT

I, _____ of _____ in the State of Queensland, do solemnly and sincerely declare that:

1. I am the Applicant referred to above; or
2. I am authorised to complete and sign this form on behalf of the Applicant.
3. All information set out on this form is true, complete and accurate.
4. I am aware that it is a criminal offence to make a declaration that I know is false in a material particular.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

.....
Signature of declarant /deponent

Taken and declared before me at _____ this _____ day of _____ 20_____

.....
(Solicitor /Justice of the Peace /Commissioner for Declarations)