



NUMBER:

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

Industrial Relations Act 2016, section 475

Industrial Relations (Tribunals) Rules 2011, rule 76

Version 3

Applicant: (NAME OF APPLICANT IN MATTER)

AND

Respondent: (NAME OF RESPONDENT IN MATTER)

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. The Applicant:

Title			
Name			
Postal address			
Suburb/Town		Postcode	
Phone number		Fax number	
Mobile number			
Email address			

(a) Does the Applicant have a representative?

A representative might be a lawyer, 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

b) The Applicant's representative

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

2. 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			

3. DETAILS OF DECISION SOUGHT:

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4. DECLARATION

Further, I declare that:

(Select and complete all that apply)

<input type="checkbox"/>	[I / The employee] [am / is / was] a trainee or apprentice.
<input type="checkbox"/>	[I / The employee] [am not / is not / was not] a trainee or apprentice.
<input type="checkbox"/>	[I / The employee] [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 to \$
<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 \$
<input type="checkbox"/>	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 \$
<input type="checkbox"/>	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 \$
<input type="checkbox"/>	Full particulars of these amounts are set out in Schedule 1 attached.
<input type="checkbox"/>	<i>(state any other matters here)</i>

5. Further, I [make oath and say] [solemnly and sincerely affirm and declare]
 All the facts and circumstances deposed to in this my affidavit 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.

6. **Signature**

Signature	
Print Name	
Date	

Taken by:

Sworn/Affirmed by the deponent at:		
on:		
Signature		
Print Name		
Date		
Justice of the peace/commissioner for declarations/lawyer/other qualified person		

TO RESPONDENT(S):

TAKE NOTICE that if you wish to oppose this application or to argue that any different decision should be made, you must attend before the commission in person or, if appropriate, by your agent at the time on the date and at the place fixed by the registrar or the clerk of the magistrates court and you will be heard. 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. (See R.66, Hearing in respondent's absence).

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 From:		Date 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:	\$