

INDUSTRIAL RELATIONS COMMISSION OF NSW

Contact: Registry
Address: 50 Phillip Street
Sydney NSW 2000
Telephone: 02 9258 0866
Facsimile: 02 9258 0058
Website: <http://www.lawlink.nsw.gov.au/irc>
E-mail: nswirc@agd.nsw.gov.au (practice and procedure questions only)
Fee Exemption: No.
Fee Waiver: Yes. Financial hardship.

Fees of the Industrial Relations Commission

Fees payable for proceedings in the Industrial Relations Commission of NSW are set out in regulation 23A, 23D, 23E and schedule 1 of the *Industrial Relations (General) Regulation 2001*.

Fees Not Payable

Regulation 23G of the *Industrial Relations (General) Regulation 2001* sets out circumstances in which a fee is not payable. The regulation should be checked prior to paying fees.

Fee Exemption

There are no categories of fee exemption in the Industrial Relations Commission of NSW.

Fee Waiver/Postponement

Under regulation 23F of the *Industrial Relations (General) Regulation 2001*, the Industrial Registrar may waive, postpone or remit the payment of all or any part of a fee, if the applicant satisfies the Industrial Registrar that the applicant will suffer financial hardship if required to pay the fee.

Procedure

All parties requesting waiver or postponement in an unfair dismissal application must complete an Application form. A copy of the form is attached (4 pages) or downloaded from [http://www.lawlink.nsw.gov.au/lawlink/irc/ll_irc.nsf/vwFiles/Form_Other_UD_Appn_%20Waiver_%20Filing_Fee.pdf/\\$file/Form_Other_UD_Appn_%20Waiver_%20Filing_Fee.pdf](http://www.lawlink.nsw.gov.au/lawlink/irc/ll_irc.nsf/vwFiles/Form_Other_UD_Appn_%20Waiver_%20Filing_Fee.pdf/$file/Form_Other_UD_Appn_%20Waiver_%20Filing_Fee.pdf).

A separate Application Form for waiver or postponement of other fees can be obtained by contacting the Registry. The form is not available online. A copy is included in this manual (6 pages).

To update this manual: Contact the Registry or consult the regulations.

APPLICATION FOR WAIVER OR REDUCTION OF FILING FEE FOR APPLICATIONS FOR RELIEF FROM UNFAIR DISMISSAL

(Section 84, *Industrial Relations Act 1996*)

Under the *Industrial Relations (General) Regulation 1996* made pursuant to the *Industrial Relations Act 1996*, the Industrial Registrar may waive payment of, or reduce, the lodgement fee for applications for relief from unfair dismissal filed pursuant to section 84 of the Act, where the Registrar is satisfied that the applicant will "suffer financial hardship if required to pay the fee".

The Industrial Registrar, Deputy Industrial Registrar or Assistant Deputy Industrial Registrar will consider an application to waive or reduce the fee as a matter of priority. Where possible you will be advised verbally of the decision. Where the application for waiver or reduction is unsuccessful, you will be required to pay the lodgement fee immediately.

Please note that your application for relief from unfair dismissal can only be accepted where the lodgement fee (including any reduced fee determined by the Registrar) is paid, or such fee has been waived.

PERSONAL DETAILS OF THE EMPLOYEE (APPLICANT)	
1. Name	Family Name Given Names
2. Postal Address	Suburb: Postcode:
3. Telephone Fax:	() ()

<p>4. If you hold one of the listed cards, are in receipt of Legal Aid or under 18 years, you are automatically exempt from paying the filing fee.</p> <p>If not, please go to question 6 and complete the application for a waiver.</p>	<p>I currently hold one of the following cards:</p> <p><input type="checkbox"/> Health Care Card</p> <p><input type="checkbox"/> Health Benefit Card</p> <p><input type="checkbox"/> Pensioner Concession Card</p> <p><input type="checkbox"/> Commonwealth Seniors Health Card</p> <p><input type="checkbox"/> Any other card issued by Centrelink or the Department of Veterans' Affairs that certifies entitlement to Commonwealth health concessions</p> <p>OR</p> <p><input type="checkbox"/> I am in receipt of Legal Aid</p> <p><input type="checkbox"/> I am a person under 18 years</p> <p>Benefit card to be sighted by Registry Staff (photocopy accepted)</p>
<p>5. Signature</p>	<p>.....</p> <p>Signature of applicant</p> <p>Date:</p>
<p>6. Dependants</p>	<p>Do you have any dependants in your care?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>PROOF OF FINANCIAL HARDSHIP</p>	
<p>7. Income</p>	<p>Income from Employment</p> <p>A. Lump sum</p> <p>Please provide details of any moneys you received as final payment from the employer against whom you are claiming relief from unfair dismissal:</p> <p>Salary (net) \$ _____</p> <p>Termination payment \$ _____</p>

	<p>B. Other payments</p> <p>Do you receive income from any other employment (ie, other than that which you are claiming relief from unfair dismissal), fees for contractual arrangements etc?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <hr/> <p>SUMMARY OF INCOME</p> <p>The total amount of income I receive per fortnight is as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">1. Income from employment (Lump sum plus other payments)</td> <td style="width: 10%;"></td> <td style="width: 20%; text-align: right;">\$ _____</td> </tr> <tr> <td>2. Other Income</td> <td></td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td style="text-align: right;">TOTAL</td> <td></td> <td style="text-align: right;">\$ _____</td> </tr> </table>	1. Income from employment (Lump sum plus other payments)		\$ _____	2. Other Income		\$ _____	TOTAL		\$ _____						
1. Income from employment (Lump sum plus other payments)		\$ _____														
2. Other Income		\$ _____														
TOTAL		\$ _____														
<p>9. Assets</p>	<p>Please provide an estimate of the amounts held by you in any bank account</p> <p style="text-align: right;">TOTAL \$ _____</p>															
<p>10. Liabilities</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Type of liability (eg credit card)</th> <th style="width: 10%;"></th> <th style="width: 30%;">Outstanding balance</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td></td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>_____</td> <td></td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>_____</td> <td></td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td style="text-align: right;">TOTAL</td> <td></td> <td style="text-align: right;">\$ _____</td> </tr> </tbody> </table>	Type of liability (eg credit card)		Outstanding balance	_____		\$ _____	_____		\$ _____	_____		\$ _____	TOTAL		\$ _____
Type of liability (eg credit card)		Outstanding balance														
_____		\$ _____														
_____		\$ _____														
_____		\$ _____														
TOTAL		\$ _____														
<p>11. OTHER COMMENTS</p> <p>If necessary, please include any other information and/or comments about your circumstances which you believe should be taken into account in considering your application.</p>																

<u>FOR REGISTRY USE ONLY</u>	
	<input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED
IF APPROVED	
FEE	<input type="checkbox"/> WAIVED IN FULL <input type="checkbox"/> REDUCED TO \$.....
<p>This application has/has not been approved pursuant to Clause 20(6) of the <i>Industrial Relations (General) Regulation 1996</i>.</p> <p>.....</p> <p>ASSISTANT/DEPUTY/INDUSTRIAL REGISTRAR</p> <p>Date:</p>	



INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

APPLICATION FOR WAIVER OR REDUCTION OF FEES

Under the Industrial Relations (General) Regulation 1996 made pursuant to the Industrial Relations Act 1996, the Industrial Registrar may waive payment of, or reduce, the fee, where the Registrar is satisfied that the applicant will "suffer financial hardship if required to pay the fee".

The Industrial Registrar, Deputy Industrial Registrar or Assistant Deputy Industrial Registrar will consider an application to waive or reduce the fee as a matter of priority. Where possible you will be advised verbally of the decision. Where the application for waiver or reduction is unsuccessful, you will be required to pay the fee immediately.

Please note that an application can only be accepted where the fee (including any reduced fee determined by the Registrar) is paid, or such fee has been waived.

APPLICANT DETAILS

Name: _____

Address: _____

Postcode _____

Date of birth:/...../..... Driver's Licence No: _____ Expires:/...../.....

Telephone Number(s): _____

Date termination took effect:/...../.....

I ask that the application fee payable on my application to the Industrial Relations Commission of New South Wales be waived or reduced to \$ I ask this because payment of the fee would cause me to suffer hardship.

I declare that to the best of my knowledge and belief the information set out in this application is true and that, where an estimate is given, it is given in good faith. It is a true statement of my assets, income and liabilities. I have no other assets or income or any interest in superannuation funds or estates, other than set out in this application.

Date:/...../.....

Applicant's Signature: _____

WARNING

There are severe penalties for making false or misleading statements on this form to try to get fees waived or reduced.

Section 178BB of the Crimes Act 1900 provides:

Whosoever, with intent to obtain ... any financial advantage of any kind whatsoever, makes... any statement (whether or not in writing) which he or she knows to be false or misleading in a material particular or which is false or misleading in a material particular and is made with reckless disregard as to whether it is true or is false or misleading in a material particular shall be liable to imprisonment for 5 years.

1. INCOME FROM EMPLOYMENT

A. Lump Sum

Please provide details below of any moneys you received as final payment from the employer against whom you are claiming relief from unfair dismissal:

Salary (net)	\$.....
Severance Payment	\$.....
Payment in lieu of Recreation leave/Long Service Leave	\$.....

B. Other Payments

Do you receive income from any other employment (ie, employment other than that for which you are claiming relief from unfair dismissal) or fees for contractual arrangements? Please include employment that is full-time, part-time, permanent, temporary, casual, etc. If more than one, attach a list.

YES (If YES, please complete the section below)

NO (If NO, please go to 2. OTHER INCOME)

I am employed by _____

My employer's address is _____

My income after tax is \$..... per fortnight

2. OTHER INCOME

Do you receive income in addition to that shown above?

YES (If YES, please complete the section below)

NO (If NO, please go to 3. SUMMARY OF INCOME)

The details of other income I receive including any maintenance payments for myself or my children, Family Allowance, rent or board from people living in the same premises as I do, or premises I own, are as follows:

NATURE OF INCOME

Social Security \$..... per fortnight
 If you are receiving Social Security, write your Social Security number here: _____

Family Allowance \$..... per fortnight

Other Income: _____ \$..... per fortnight

_____ \$..... per fortnight

_____ \$..... per fortnight

TOTAL OTHER INCOME \$..... per fortnight

6. OTHER ASSETS

Do you have any assets other than the ones already listed on this application.

Assets can include a block of land, houses, cars, boats, shares, etc.

YES (If YES, please complete the section below)

NO (If NO, please go to 7. LIABILITIES)

The assets I have are as follow (If ownership of any of your assets is shared with another person(s), indicate what portion share you have, eg, half share in ...):

DESCRIPTION OF ASSETS	ESTIMATED NET VALUE OF ASSET* \$
Real Estate (House and Land)	
Other Real Estate <i>give addresses of all houses and land</i>	
Motor Vehicle Model Registration Number	
2nd Motor Vehicle Model Registration Number	
Household Furniture	
Electrical Goods	
Shares or Investments	
Boat	
Caravan	
Other Assets (specify)	

*The "estimated net value" is what you would expect to receive for the asset or your share of it after any secured liabilities, eg, mortgages, hire purchases have been paid off if it was sold in the current market.

NB: Income received from these assets (eg, rent, dividends) should be included at 2. OTHER INCOME.

7. LIABILITIES

I have the following liabilities:

LIABILITIES	OWED TO	BALANCE
Mortgage		\$
Car Loan		\$
Personal Loan		\$
Credit Card		\$
2nd Credit Card		\$
3rd Credit Card		\$
HECS Debt		\$
Other Liabilities (specify)		

For Registry Use Only

APPLICATION APPROVED
 NOT APPROVED

IF APPROVED:

FEE WAIVED IN FULL
 REDUCED TO \$.....

This application has/has not been approved pursuant to Clause 20(6) of the *Industrial Relations (General) Regulation 1996*.

.....
ASSISTANT/DEPUTY/INDUSTRIAL REGISTRAR
...../...../.....

Applicant advised of decision verbally/in writing

.....
Signature of Action Officer/..../....