

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2011-2012**

Agency - Fair Work Australia

DEEWR Question No.EW0239_12

Senator Abetz asked on 30/05/2011, Hansard page 18.

Question

Refund Of Application Fee

Senator ABETZ: I will move on now to the issue of unfair dismissals. What is Fair Work Australia's policy on refunding unfair dismissal application fees? Does that happen from time to time? Mr Lee: Refunding fees that— Senator ABETZ: For example, if a matter is concluded, at whatever stage of the process—phone conference, conciliation et cetera—is it possible for the applicant to receive a refund on their application fee? Is there any policy on this? Mr Lee: I do not think that we would have, but I will ask Ms O'Neill or Mr Nassios. [...] Senator ABETZ: Is it part of the information sheets that people are provided? Ms O'Neill: I would need to take that on notice.

Answer

Fair Work Australia has provided the following response.

Regulation 3.07(8) of Chapter 3, Part 3-2, Division 5 of the *Fair Work Regulations 2009* provides that Fair Work Australia must repay to the person an amount equal to the fee if:

- (a) the fee has been paid; and
- (b) the application is subsequently discontinued as mentioned in section 588 of the Act; and
- (c) FWA is satisfied that FWA did not deal with the application in a substantial way before the application was discontinued.

Information relating to refunds is provided to parties.