



Fair Work Amendment (Anti-Bullying) Regulation 2013

Select Legislative Instrument No. 263, 2013

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Fair Work Act 2009*.

Dated 12 December 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Eric Abetz
Minister for Employment

OPC60311 - B

Contents

1	Name of regulation	1
2	Commencement	1
3	Authority	1
4	Schedule(s)	1
Schedule 1—Amendments		2
<i>Fair Work Regulations 2009</i>		<i>2</i>

1 Name of regulation

This regulation is the *Fair Work Amendment (Anti-Bullying) Regulation 2013*.

2 Commencement

This regulation commences on 1 January 2014.

3 Authority

This regulation is made under the *Fair Work Act 2009*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Fair Work Regulations 2009

1 After Part 6-4

Insert:

Part 6-4B—Workers bullied at work

Division 2—Stopping workers being bullied at work

6.07A Application fees

- (1) For subsection 789FC(4) of the Act, this regulation sets out matters relating to a fee for making an application to the FWC under subsection 789FC(1) of the Act.

Fee at commencement of this regulation

- (2) If an application is made on or after 1 January 2014 but before 1 July 2014, the fee is \$65.50.

Method for indexing the fee

- (3) If an application is made in a financial year starting on or after 1 July 2014 (the *application year*), the amount of the fee is to be worked out as follows:
- (a) identify the amount of the fee for an application made in the later of:
 - (i) the year commencing on 1 January 2014; and
 - (ii) the previous financial year;
 - (b) multiply it by the indexation factor for the application year (see subregulation (4));
 - (c) round the result to the nearest multiple of 10 cents, rounding up if the result ends in 5 cents.
- (4) The indexation factor for the application year is worked out using the following formula, and then rounded under subregulation (5):
- $$\frac{\text{Sum of index numbers for quarters in most recent March year}}{\text{Sum of index numbers for quarters in previous March year}}$$

where:

index number, for a quarter, means the All Groups Consumer Price Index Number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

most recent March year means the period of 12 months ending on 31 March in the financial year that occurred immediately before the application year.

previous March year means the period of 12 months immediately preceding the most recent March year.

quarter means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

- (5) The result under subregulation (4) must be rounded up or down to 3 decimal places, rounding up if the result ends in 0.0005.
- (6) A calculation under subregulation (4):
 - (a) is to be made using the index numbers published in terms of the most recently published index reference for the Consumer Price Index; and
 - (b) is to be made disregarding index numbers that are published in substitution for previously published index numbers (unless the substituted numbers are published to take account of changes in the index reference).

No fee—hardship

- (7) If the FWC is satisfied that the person making an application will suffer serious hardship if the person is required to pay the fee, no fee is payable for making the application.

Refund of fee—discontinuing application

- (8) The FWC 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) at the time the application is discontinued, the application has not yet been listed for conducting a conference or hearing.