

South Australia

South Australian Employment Tribunal Variation Regulations 2017

under the *South Australian Employment Tribunal Act 2014*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *South Australian Employment Tribunal Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which Part 2 of the *Statutes Amendment (South Australian Employment Tribunal) Act 2016* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *South Australian Employment Tribunal Regulations 2015*

4—Variation of regulation 7—Enforcement of monetary orders

Regulation 7(1)—delete "under the *Return to Work Act 2014*"

5—Variation of regulation 9—Annual report

- (1) Regulation 9(a)—after "reviewable decision considered by the Tribunal" insert:
under the *Return to Work Act 2014*
- (2) Regulation 9(a)—after subparagraph (ii) insert:
 - (iia) the number of matters subject to a pre-hearing conference under section 45 of the Act for each category of decision;
 - (iib) the number of matters proceeding to a full hearing before the Tribunal for each category of decision;
- (3) Regulation 9—after paragraph (a) insert:
 - (ab) the number of actions for damages commenced before the South Australian Employment Court under Part 5 of the *Return to Work Act 2014*;
 - (ac) the number of proceedings concluded under Part 5 of the *Return to Work Act 2014*;
- (4) Regulation 9—after paragraph (d) insert:
 - (da) information relating to each category of proceedings considered by the Tribunal in respect of jurisdiction conferred on it by another Act (according to the section of the Act under which the application for the proceedings was made).

6—Insertion of regulation 10

After regulation 9 insert:

10—Fees

- (1) The following fees are payable to the South Australian Employment Court:
 - (a) in relation to the exercise of any designated civil jurisdiction—if a fee would be payable in relation to proceedings in the Civil Jurisdiction of the District Court for any step, item or matter if it occurred or arose in the District Court rather than in the South Australian Employment Court, the same fee will be payable to the South Australian Employment Court in the exercise of the designated civil jurisdiction;
 - (b) in relation to the exercise of any designated criminal jurisdiction—if a fee would be payable in relation to proceedings in the Criminal Jurisdiction of the Magistrates Court for any step, item or matter if it occurred or arose in the Magistrates Court rather than in the South Australian Employment Court, the same fee will be payable to the South Australian Employment Court in the exercise of the designated criminal jurisdiction.

(2) In this regulation—

designated civil jurisdiction means the jurisdiction of the South Australian Employment Court under any of the following:

- (a) the *Dust Diseases Act 2005*;
- (b) section 10 of the *Fair Work Act 1994*;
- (c) Part 5 of the *Return to Work Act 2014*;

designated criminal jurisdiction means the criminal jurisdiction of the South Australian Employment Court under the *South Australian Employment Tribunal Act 2014* or under any other Act.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 16 May 2017

No 54 of 2017

MIR0009/17CS