



Independent Review Office

Amending Instrument: Changes to ILARS Funding Guidelines from 1 July 2026



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Independent Review Officer: Independent Legal Assistance and Review Service (ILARS):

Amending Instrument: ILARS Funding Guidelines from 1 July 2026

1. Introduction

- (a) In accordance with the *Personal Injury Commission Act 2020* (the **PIC Act**), Schedule 5, clause 10 the Independent Review Officer (**IRO**) may issue guidelines for the effective administration of the Independent Legal Assistance and Review Service (**ILARS**).
- (b) The IRO may amend, revoke or replace the ILARS Funding Guidelines in whole or part under clause 10(2) of Schedule 5 of the PIC Act.
- (c) The ILARS Funding Guidelines (the **Guidelines**) were made on 27 February 2021.
- (d) The purpose of this Amending Instrument is to amend the Guidelines so that ILARS can be administered in a manner that is consistent with amendments the PIC Act made through the *Workers Compensation Legislation Amendment Act 2025* (**Amending Act**). Those amendments commence on 1 July 2026.
- (e) This Amending Instrument is an interim measure to enable compliance with the Amending Act from the date it commences. In due course, the IRO will replace the Guidelines and this Amending Instrument following a period of consultation. This Amending Instrument contains:
 - (i) amendments to existing provisions of the Guidelines.
 - (ii) additional provisions as required.

Statutory amendments

- (f) The amendments to the PIC Act include changes to:
 - (i) clause 9(2) of Schedule 5 of the PIC Act, which provides that:

The purpose of ILARS is to provide funding for legal and associated costs for workers under the Workers Compensation Acts seeking advice, representation or assistance regarding decisions of insurers or disputes that, if not addressed through legal representation or assistance, would result in a disadvantage to injured workers in relation to the workers' rights or entitlements to benefits under Workers Compensation Acts.
 - (ii) introduce new funding criteria at clause 9A of Schedule 5 of the PIC Act (the **Funding Criteria**) which provides that:
 - (1) *The Independent Review Officer must not provide funding for legal and associated costs to a person unless the Independent Review Officer is satisfied -*



- (a) having regard to the need to ensure the sustainability of the use of the workers compensation funds for the purposes of the ILARS scheme, the funding would be justified by the likely benefit to:*
 - (i) the person, or*
 - (ii) workers under the Workers Compensation Acts, and*
 - (b) the person has reasonable prospects of success in relation to the matter to which the proposed funding relates, having regard to:*
 - (i) the investigations that are necessary to establish the entitlements of the person, and*
 - (ii) the need for an assessment of the correctness of decisions made in relation to the person under the Workers Compensation Acts by insurers, and*
 - (iii) the resolution of any disputes about the entitlements, and*
 - (c) a prudent person who is self-funding, with adequate financial resources, would use the person's own financial resources for the purposes for which the proposed funding is to be applied.*
- (iii) Pursuant to clause 9B, Schedule 5 of the Act, the IRO may arrange for alternative assistance. Specifically:
- On receipt of a request for funding the Independent Review Officer may decide:*
- (a) to provide funding under this part, or*
 - (b) exercise any of the other Independent Review Officer's functions under clause 6 in addition to, or instead of, providing funding, including by treating the request as a complaint about the actions of an insurer.*

Changes to Guidelines

This Amending Instrument provides for changes to the Guidelines, consequential on the introduction of the Funding Criteria.

- (g) To the extent of any inconsistency between the Guidelines and the Funding Criteria, the Funding Criteria prevail. References in the Guidelines to 'reasonably necessary', 'merit' or 'arguable case' are no longer the applicable tests for determining whether ILARS funding will be granted. The applicable test is now the Funding Criteria for determining all stages of ILARS funding and the payment of all legal and associated costs (including disbursements) provided under the ILARS funding program;
- (h) Any references to clauses in the PIC Act in the Guidelines are taken to be references to clauses in the PIC Act, as amended by the Amending Act (where relevant);
- (i) To accommodate changes to the workers compensation legislation, this Amending Instrument extends the application of the Guidelines to allow for the funding of legal and associated costs in relation to the following:
 - (i) the requirement for an injured eligible worker to obtain independent legal advice prior to undertaking a permanent impairment assessment (s 153A, 1987 Act).



- (ii) the new jurisdiction of the IRC in making determinations about 'relevant conduct' for the purposes of a person making a workers compensation claim (s 280AH, 1998 Act).
- (j) It is the responsibility of the Lawyer applying for funding, including in relation to disbursements, to provide evidence to the IRO that the Funding Criteria are satisfied in any application for legal assistance.

2. Definitions

Determined - for all purposes, an application for funding is taken to be determined where an application for funding is approved or declined.

Funding Criteria - refer to clause 9A(1) of Schedule 5 of the PIC Act.

IRC – Industrial Relations Commission

PIC – Personal Injury Commission

3. Regulations

The *Workers Compensation Legislation Amendment Regulation 2026* makes the following transitional arrangements in relation to grants of funding under ILARS that are determined prior to 1 July 2026:

Personal Injury Commission Regulation 2020

- (a) clause 13A(1) of the *Personal Injury Commission Regulation 2020* (PIC Regulation) provides that clause 9A does not apply to an application for funding determined before the commencement of that clause, regardless of whether or not the funding has actually been provided for the worker.
- (b) clause 13A(2) and (3) of the PIC Regulation provide that clause 9A of Schedule 5 of the PIC Act applies to an application for additional funding. Additional funding includes top up funding and funding for a stage of a matter if funding for the stage has not previously been approved.

Workers Compensation Regulation 2016

- (c) clause 133A of the *Workers Compensation Regulation 2016* provides that the scale of maximum costs provided by the IRO for legal and associated costs is the scale of costs set out in the Independent Legal Assistance and Review Service Funding Guidelines published on the NSW legislation website and in force immediately before the commencement of the Amending Act. For more information regarding Professional Fees and Disbursements see Annexure A and Annexure B of this Amending Instrument.

4. Amendments to the ILARS Funding Guidelines

The amendments to the Guidelines are as follows.

All references to sections in this Amending Instrument are taken to be references to sections that are contained within the published Guidelines, being the version of those Guidelines published by the IRO on 26 February 2021.

Section of the Guidelines	Change
INTRODUCTION: Commencement	<u>Add to section:</u> These Guidelines are amended with effect from 1 July 2026.
INTRODUCTION: Replacement and transition	<u>Delete the paragraphs and insert instead:</u> The Amending Instrument applies to all determinations for ILARS funding made on or after 1 July 2026: Clause 13A of Part 3A of the PIC Regulation. The Guidelines which came into effect on 1 March 2021 will continue to apply to any determination for ILARS Funding made before 1 July 2026.
Background and General Principles	<u>Delete the first and second paragraphs and insert instead:</u> Grants of funding are provided to enable injured eligible workers to obtain independent legal advice, representation or assistance with respect to their rights or entitlements to workers compensation benefits provided under the workers compensation legislation. Grants of funding may cover professional fees, counsel's fees, medical report fees and the cost of other disbursements and incidental expenses reasonably necessary to investigate a claim or to pursue a dispute about a claim.
1.2.1.2 On and after 1 March 2021	<u>Delete reference to purpose of ILARS- paragraph beginning 'Part 5 of Schedule 5 of the PIC Act' and insert instead:</u> The administration of the ILARS funding function is subject to the Funding Criteria in clause 9A of Schedule 5 of the PIC Act. In addition, clause 9B permits the Independent Review Officer to exercise any other function instead of providing funding through ILARS. Clause 6 sets out other functions of the IRO, including to assist and advise persons wishing to make complaints and to deal with complaints; to encourage the establishment by employers and insurers of complaint resolution processes; and to inquire into and report to the Minister on matters arising under the workers compensation legislation.
1.3 Scope of funding	<u>Delete the paragraphs and insert instead:</u> <i>1.3 Scope of Funding</i> • Subject to the Funding Criteria, eligible workers can obtain legal advice, representation or assistance regarding decisions of insurers or disputes. Assistance may include: ○ obtaining comprehensive legal advice and assistance to explore and assert their rights and entitlements and to explore early resolution of disagreements or disputes ○ Access to legal representation to have their dispute about a claim determined in the PIC or the IRC (for relevant conduct matters) when it is unable to be resolved by agreement or early or alternate dispute resolution processes

Section of the Guidelines	Change
	○ Access to legal representation to pursue appeals within the PIC, the IRC or to higher Courts where appropriate. In the case of the death of an injured eligible worker, funding contemplated by these Guidelines extends to the legal personal representative of the estate of the deceased, and in the circumstances of a claim for death benefits under the workers compensation legislation, to the deceased worker's dependants or potential dependents.
1.8 Related documents	<u>Amend the table in the section to add to the bottom of the table the following:</u> • Document name: Amending Instrument • Date: 1 July 2026 • Issuer: IRO • IRO Complaints Policy, Complaints About Insurers • Date: May 2026 • Issuer: IRO
2.1.3 When an application should be made	<u>Delete the paragraph and insert instead:</u> An application for a grant of funding should be made once a Lawyer has received instructions from an injured eligible worker and the Lawyer is satisfied that the provision of the legal assistance would reasonably enable them to make an application for funding which satisfies the Funding Criteria.
2.3 Grant assessment process	<u>Insert at the end of the section, prior to 'Approval process':</u> Grant applications will be assessed in accordance with the Funding Criteria. <u>Remove the words contained in the first bullet point under the heading 'Exceptions' and insert instead the following words:</u> Where there is no or insufficient information to support a grant approval the IRO may request further information to enable the IRO to assess the application in accordance with the Funding Criteria'
2.4 Applications requiring urgent or immediate funding	<u>Insert the following words at the end of the section:</u> Regardless of the Lawyer's assessment of the urgency of a matter, a funding decision must be made in accordance with the Funding Criteria. Any work which is undertaken before a decision to grant funding is made will be the responsibility of the Lawyer and not the IRO. As such, the costs associated with any work undertaken will not be paid by the IRO.
2.6 Conditional funding	<u>Delete the paragraphs and insert instead the following:</u> Conditional funding can only be granted where the IRO believes that the Funding Criteria are satisfied at the time of approval, and the IRO has determined that the nature of the matter makes it appropriate for payment to be conditional on a successful outcome.

Section of the Guidelines	Change
	Conditional funding may be considered in relation to appeals or requests for reconsiderations, and will only be paid where the IRO determines there has been a successful outcome for the worker. Where funding is approved on a conditional basis, the IRO will not meet disbursements or professional fees until the outcome is known. Payment of legal costs including incurred disbursements will only be made in the event of a 'successful outcome' in the matter or aspect of the matter which receives conditional funding. The responsibility to make arrangements to meet the disbursements incurred pending the outcome of the matter falls to the Lawyer. For the purpose of these Guidelines, a 'successful outcome' is one where the worker achieves a benefit from the conditionally funded matter or action. A benefit might be the acceptance of a body part injured in the course of employment or related to an injury, exceeding of an impairment threshold (such that benefits continue or do not cease), the continuation of benefits in circumstances where the benefit or meeting of the threshold was disputed or resisted by the insurer/employer, or a higher impairment assessment resulting in a lump sum benefit under section 66 of the 1987 Act.
2.8 Multiple funding applications for the same injured eligible worker	<u>Insert the following words immediately below this heading:</u> This section should be read in conjunction with the additional sections which deal with the requirement in the PIC Regulation for a new funding decision to be made on an existing grant when additional funding is required. Where in doubt, a Lawyer should make an application for additional funding.
2.11 Applications for a grant of funding made after the event	<u>Delete the words below this heading and insert instead:</u> Where proceedings have commenced in the PIC and/or the IRC or an appeal has been lodged on behalf of a worker without a grant of funding, legal costs incurred before any approval will not be paid.
2.13 IRO discretion	<u>Delete the words below this heading and insert instead:</u> The IRO has discretion to grant funding but must not approve any funding unless the Funding Criteria have been satisfied.
Insert new section and heading 2.18 Grants of Funding for matters in the IRC	<u>Insert section as follows:</u> 2.18 Grants of Funding for matters in the IRC In applying the Funding Criteria to relevant conduct claims in the IRC, the IRO will be guided by the factual information provided by the Lawyer, information provided in the internal review conducted by the insurer, and relevant comparable caselaw in other courts and tribunals. It is expected that experience in the IRC will enable the refinement of the application of the Funding Criteria to applications for grants. The Professional Fees for Lawyers as set out in Annexure A and the Disbursements as set out in Annexure B of the Amending Instrument

Section of the Guidelines	Change
	of the Guidelines will be applied in a manner that reflects the directions of the IRC.
Insert new section and heading 2.19 Application of New ILARS Funding Criteria	<u>Insert section as follows:</u> 2.19 Application of New ILARS Funding Criteria Where there is an application for additional funding in respect of any application for a grant of ILARS funding made prior to 1 July 2026, the application will be determined in accordance with the Guidelines and the Funding Criteria. This will include the following: (a) where an application is made for funding for a stage of a matter and the application was not determined prior to 1 July 2026; or (b) where there is an application for 'Additional Funding' in conjunction with an existing grant of ILARS funding. 'Additional Funding' includes any of the following: (c) additional professional fees or disbursements required during a Stage, including those disbursements which would have required pre-approval under the provisions of the Guidelines applicable to funding granted prior to 1 July 2026; (d) multiple funding applications to the same eligible worker; (e) applications for funding by a new Lawyer where the same eligible worker had previously engaged another Lawyer; (f) request for discretion by the IRO to pay an amount outside the rates set by SIRA; and (g) other instances where funding is sought beyond the terms of the original grant of ILARS funding.
3.1 Stage 1 3.1.1 Stage 1	<u>Insert after the first paragraph:</u> The circumstances in which Stage 1 funding is available during the time in which this Amending Instrument is in operation are limited. Amongst other things, the Funding Criteria requires the IRO to be satisfied that there are reasonable prospects of success, having regard to the 'investigations' that are necessary to establish the rights and entitlements of an injured eligible worker. The IRO will not fund generic advice which provides advice to an injured eligible worker about their general rights and entitlements. The advice provided at this stage must be required for the Lawyer to complete one or more of the nominated tasks listed in section 3.1.1 and satisfy the Funding Criteria.
Add new section 3.1.6 and heading: Advice in relation to a Permanent Impairment Assessment	<u>Insert section as follows:</u> Advice in relation to a Permanent Impairment Assessment Stage 1 funding is available where a worker is required to receive advice with respect to a permanent impairment assessment pursuant to s153A of the <i>Workers Compensation Act 1987</i>.

Section of the Guidelines	Change
3.2.3 Requirements for extension of funding	<u>Delete the first paragraph and the sentence beginning with the words 'having some merit' under this heading. Insert the following words:</u> The Lawyer should provide an explanation or short reasons together with evidence which supports the request for extension of funding and demonstrates the Funding Criteria have been met. The IRO must be satisfied the funding request meets the Funding Criteria.
3.2.5 Stage 2 Disbursements	<u>Delete the first sentence and the following paragraph under this heading. Insert the following paragraphs:</u> For all grants of funding made on or after 1 July 2026, pre-approval is required prior to incurring expenditure for any disbursements. For grants made prior to 1 July 2026: Where a Lawyer determines that disbursements may be required as part of a Stage 2 open grant, the Lawyer should ensure that the disbursements are within the existing conditions of the grant before incurring the disbursements. If the Lawyer is uncertain as to whether the existing grant includes funding for a disbursement, they should contact the IRO prior to incurring the costs of same. A Lawyer must request additional funding – as required by the Personal Injury Commission Regulation 2020 (PIC Regulation) – in respect of any disbursements which would have required pre-approval under the Guidelines. Any additional funding not approved in accordance with the PIC Regulation will not be reimbursed. Where costs are incurred that the IRO determines should have been the subject of approval under the PIC Regulation, this is a matter for the Lawyer. The Lawyer is not permitted, under any circumstance, to seek payment of that cost from the injured eligible worker.
3.3.2 Where funding will be granted	<u>Delete the sentences below this heading and insert the following words:</u> Stage 3 funding will be provided subject to the Funding Criteria.
3.4.3 Extension of funding required for appeals	<u>Insert the following words after the sentence under this heading:</u> The IRO must be satisfied that the funding request meets the Funding Criteria.
3.4.4.1 Where the worker is the proposed appellant/applicant	<u>Delete the following words from the second paragraph:</u> 'why there are reasonable grounds for believing, on the basis of provable facts and a reasonably arguable view of the law, that the appeal has reasonable prospects of success, and why the matter involves an important question of law.' <u>and insert instead the words:</u> the Funding Criteria.
3.4.5 Where appeal is to a Court	<u>In requesting funding for a worker-initiated appeal to a court, this is added at the end of the paragraph:</u>

Section of the Guidelines	Change
	Any application for funding must satisfy the Funding Criteria.
3.4.7.2 Where the worker seeks reconsideration on a stand-alone basis	<u>Insert the following words after the word 'applications':</u> ...provided that the Funding Criteria have been met.
3.4.7.3 Where the worker is a respondent to a stand-alone reconsideration application	<u>Delete the sentence under this heading and insert instead the following sentence:</u> Provided that the Funding Criteria have been met, the IRO will provide funding to an injured eligible worker named as a 'respondent' to a stand-alone reconsideration application.
4.1 Professional Fees	<u>Insert immediately under the heading the following paragraph:</u> Any reference in this section to the 'Commission' is taken to be a reference to the Personal Injury Commission, or in the case of 'relevant conduct' matters, the IRC.
4.1.3 Discretion as to fees	<u>Delete the first paragraph and insert instead the following:</u> Subject to the PIC Regulation, the IRO has an overarching discretion as to the amount of professional fees payable. <u>Insert at the end of the section:</u> In the case of the IRC, recognising that it is a new jurisdiction, the IRO will, at its own discretion, determine the professional fees to apply to a matter based on the Professional Fees Schedule in Annexure A, and the stage of the matter to which those fees apply. The IRO will determine, once the IRC determines the hearing process, if the hearing process determined by the IRC warrants the application of more than one 'event' as set out in the Professional Fees Schedule. The IRO's decision on professional fees in IRC matters is to be determined at the conclusion of the proceedings.
4.1.4 Fees where grant not advanced	<u>Insert immediately under the heading the following paragraph:</u> Where the IRO considers there has not been sufficient progress, or the matter is unlikely to progress to finalisation within a reasonable period of time, the grant matter may be closed with payment of the applicable professional fee at the discretion of IRO. If a Lawyer wishes to continue with a matter they will be required to make a new application for funding.
4.2.1 Disbursement funding principles	<u>Delete the first two paragraphs of 4.2.1 and replace with the following:</u> Pre-Approval of funding is required for all disbursements. Pre-Approval is subject to the IRO being satisfied all Funding Criteria are met.
5.2.1 Funding Principles	<u>Insert after the last paragraph of 5.2.1:</u> Counsel briefed by a Lawyer must be an IRO Approved Barrister (exceptions to the choice of counsel may apply with respect to matters in the jurisdiction of the IRC).



Section of the Guidelines	Change
	Counsel briefed to appear in relation to a matter which is, or will be, before the IRC do not have to be an IRO Approved Barrister. For such matters, Lawyers should seek approval for the counsel they intend to brief. Counsel must have appropriate knowledge of, and experience in, this jurisdiction.
5.2.2 scope of funding	<u>Delete the last paragraph and insert instead the following:</u> Unless prior approval has been given for the engagement of counsel in any matter, the engagement of counsel constitutes 'additional funding' which will require an application to the IRO.
5.2.3 When no pre-approval of counsel is required	<u>Delete this section</u>
Add new section and heading 5.2.11 IRC Matters	<u>Insert the following new section:</u> Counsel for IRC matters: Where disputes about 'relevant conduct' are to be determined by the IRC, the IRO will determine the scope of the funding for counsel on a case by case basis.
6.3 Professional Fees Schedule	Delete the Table and replace with the Table at Annexure A of this Amending Instrument.
6.4 Disbursements Schedule	Delete the Table and replace with the Table at Annexure B of the Amending Instrument

Annexure A - Professional Fees Schedule and Disbursements Schedule

The Professional Fees Schedule in Clause 6.3 of the ILARS Funding Guidelines is revoked and replaced as follows:

Professional Fees		
Event	Legal Advice	
1.1	Comprehensive legal advice including but not limited to completing a Worker's injury claim form [SIRA08684] where it is determined that this is required legal assistance in accordance with the ILARS Purpose and the Funding Criteria. Such assistance would be considered in limited circumstances and require pre-approval.	\$800
1.2	"Independent legal advice" in respect of a Permanent Impairment Agreement under s 153S of the 1987 Act where funding is only sought with respect to this activity	\$1,100
	Initial Investigation, Early Resolution and Advice/Case Strategy	
2.1	Where a claim for hearing aids only is made and as a result the Insurer provides hearing aids	\$800
2.2	Dispute about decision of Insurer as described in s78(1)(a) or (b) 1998 Act resolved after simple request for review by Insurer	\$1,200
2.3	Where investigations conducted (including the obtaining of medical evidence) and a claim or dispute is not pursued (or no outcome reached and matter not proceeding), including matters where the Worker has had a Principal Assessment in accordance with Divisions 1 and 2 of Part 6 of the 1987 Act.	\$1,800
2.4	Dispute about decision of Insurer as described in s78(1)(a) or (b) 1998 Act resolved after investigations conducted (including the obtaining of medical evidence) and following request for review by Insurer	\$2,400
2.5	Where investigations conducted (including the obtaining of medical evidence) and a claim (excluding a claim for lump sum compensation) is made and accepted by Insurer <i>(excludes the making of claim by completion of a Worker's injury claim form [SIRA08684])</i>	\$2,400
2.6	Where Worker disputes a decision about PIAWE only resolved between Worker and Insurer (on internal review or with IRO intervention) [refer s287A(1)(a) 1998 Act]	\$2,400
2.7	Where Worker disputes a work capacity decision (other than where PIAWE only is in issue) resolved between Worker and Insurer (on internal review or with IRO intervention) [refer s287A(1)(a) 1998 Act]	\$3,000



2.8	Threshold impairment dispute (s59A, s32A, s39, s60AA 1987 Act) [except s151H work injury damages threshold] notified to the Insurer based on evidence and accepted by Insurer	\$3,000	
2.9	Where lump sum compensation claim (s66 and/or 67 1987 Act) resolved by Permanent Impairment Agreement under s 153S of the 1987 Act [Including industrial deafness lump sum compensation and hearing aids]	\$3,200	
2.10	Where lump sum compensation claim (s66 and/or 67 1987 Act) resolved by Permanent Impairment Agreement under s 153S of the 1987 Act (as separate resolution) and any other claim or dispute notified to the Insurer and resolved between Worker and Insurer including on internal review or with IRO intervention	\$4,000	
Proceedings Resolved/Determined			
Expedited assessment			
3.1	Work Capacity Decision - PIAWE only dispute resolved by Interim Payment Direction	\$3,500	
3.2	Other matters resolved through the Expedited Assessments pathway by Direction or Recommendation at or after teleconference	\$4,500	
Medical assessment			
3.3	Matters resolved by Medical Assessment Certificate issued in the course of a medical dispute arising from a Principal Assessment under Part 6 of the 1987 Act (including threshold impairment disputes (except under s151H of the 1987 Act))	\$5,000	
Hearings			
3.4	Matters resolved in PIC from registration up to and including initial teleconference in the PIC, or preliminary conference in the IRC	\$6,500	
3.5	Matters resolved in PIC or the IRC equivalent after initial teleconference and before date of initial conference/hearing	\$7,200	
3.6	Matters resolved on date of initial conference in the PIC of IRC and before hearing commences	\$7,500	
3.7	Matters resolved after hearing commences in the PIC or IRC	\$7,800	
Other Resolutions			
3.8	Commutations including registration of agreement	\$3,500	
Stage 4 Appeals and Reconsiderations			
4.1	Appeal against decision of a Non-Presidential Member (including equivalent in the IRC)	Where no barrister briefed \$3,000	Where barrister briefed \$2,000



4.2	Referral of question of law to the President (of the PIC or the IRC)	Where no barrister briefed \$3,000	Where barrister briefed \$2,000
4.3	Appeal against a Medical Assessment Certificate	Where no barrister briefed \$2,500	Where barrister briefed \$1,500
4.4	Reconsideration	\$1,000 (no additional Barrister fees paid)	



Annexure B - Disbursements Schedule

Disbursements Schedule		
Barrister's fees		
Early advice from a barrister		\$500
Appearance at teleconference		\$1,000
Conference and/or Hearing single allocation		\$1,600
Second barrister where original barrister not available on second or subsequent day of hearing		\$1,600
Full day hearing fee in PIC or IRC		\$3,000
Subsequent hearing allocation per hearing after first day		\$1,500
Preparation of grounds and submissions on referral of a Question of Law to the President		\$2,000
Written submissions ordered by a Presidential or Non-Presidential Member		\$1,500
Advice or written submissions on arguable case for appeal and important question of law to support full funding		\$500
Grounds of appeal and submissions on appeal from a Non-Presidential Member's decision, or decision of a Commissioner		\$2,000
Hearing before Presidential Member or Full Bench of the IRC		\$2,000
Grounds of appeal and submissions on appeal from a Medical Assessment Certificate (arising from a Principal Assessment under Part 6)		\$1,000
Travel and Allowances		
Type	Conditions	Maximum Rate/Fee
Public transport	Where appropriate form of transport	As charged
Taxi or other metered fare	Reasonable	As charged
Air	Economy or best available in certain circumstances	As charged



Private motor vehicle	Km rate only – no parking fee/tolls unless km rate not charged	0.65c per km Round trip
Accommodation	Where overnight stay is required - reasonable 3 star	Up to \$200 per night per room exclusive of GST (as a guide depending on location and availability)
Sustenance	Only where total travel time per trip is in excess of four (4) hours or overnight stay is required Total travel time includes time taken to attend the 'appointment' or hearing	Up to \$35 per main meal Up to \$70 per day per person in total
Sundry of other expenses		
Functional Capacity Assessment and report (also known as Functional Capacity Evaluation Reports) (where examination of Worker takes place)		As per <i>Workplace Injury Management and Workers Compensation (Medical Examinations and Reports Fees)</i> Order Complex report
Suitable Employment Assessment and report (also called Vocational Assessment Report) (where examination of Worker takes place)		As per <i>Workplace Injury Management and Workers Compensation (Medical Examinations and Reports Fees)</i> Order Complex report
Suitable Employment Assessment and report (also called Vocational Assessment Report) (where no examination of Worker takes place)		As per <i>Workplace Injury Management and Workers Compensation (Medical Examinations and Reports Fees)</i> Order Standard report
Loadings		

**Refer to *Motor Accidents Compensation Regulation 2020*
Schedule 1 Maximum costs for Legal Services**

3 Country loadings

- (1) An advocate whose principal chambers or offices are in the Sydney Metropolitan area is entitled, in respect of proceedings heard or partially heard in a town outside that area, to a loading for that town in accordance with the Table to this Clause.
- (2) If proceedings take place at 2 or more towns outside that area, the loading payable is that appropriate to the town that is the farther or farthest from those chambers or offices.
- (3) An advocate whose principal chambers or offices are in a town outside the Sydney Metropolitan area is entitled, in respect of proceedings heard or partially heard in the Sydney Metropolitan area, to a loading for that town in accordance with the Table to this Clause.
- (4) An advocate whose principal chambers or offices are in a town outside the Sydney Metropolitan area is entitled, in respect of proceedings heard or partially heard at another town outside the Sydney Metropolitan area, to a loading for that other town in accordance with the Table to this Clause.
- (5) If proceedings take place at 2 or more towns outside that area, the loading payable is that appropriate to the town that is the farther or farthest from those chambers or offices.
- (6) For the purposes of this Clause, if a town is not included in the Table to this Clause, the loading for that town is to be the loading for the nearest town that is so included.
- (7) If an advocate holds more than one brief in respect of proceedings heard at a place on any one day and a loading is applicable under this Clause, the loading is to be divided equally between those briefs in respect of which an advocate's fees are awarded or payable.

Table

Town	Maximum loading \$	Town	Maximum loading \$
Albury	1,042	Katoomba	345
Armidale	956	Kempsey	906
Batemans Bay	954	Lismore	948
Bathurst	756	Lithgow	393
Bega	1,150	Maitland and East Maitland	592
Bourke	1,643	Moree	887
Broken Hill	1,774	Moruya	721
Byron Bay	948	Moss Vale	409
Campbelltown	91	Mudgee	705
Canberra and ACT	757	Murwillumbah	1,096
Casino	1,074	Muswellbrook	627
Cessnock	592	Narrabri	823
Cobar	1,511	Narrandera	818

Coffs Harbour	841	Newcastle	592
Condobolin	1,281	Nowra	592
Cooma	1,270	Nyngan	1,407
Coonamble	1,225	Orange	674
Cootamundra	868	Parkes	912
Cowra	669	Penrith	91
Deniliquin	1,119	Port Macquarie	764
Dubbo	886	Queanbeyan	757
Forbes	886	Singleton	910
Glen Innes	841	Tamworth	882
Gosford	254	Taree	705
Goulburn	625	Tweed Heads	1,028
Grafton	1,030	Wagga Wagga	783
Griffith	847	Wentworth	1,662
Gundagai	994	Wollongong	375
Gunnedah	980	Yass	666
Hay	1,096	Young	868
Inverell	984		

4 Interstate loadings

- (1) An advocate whose principal chambers or offices are in New South Wales is entitled, in respect of proceedings heard or partially heard in another State or Territory, to such reasonable loading as is determined by the court or the claims assessor.
- (2) If an advocate holds more than one brief in respect of proceedings heard at a place on any one day and a court or assessor determines that a loading is applicable under this Clause, the loading is to be divided equally between those briefs in respect of which an advocate's fees are awarded or payable.