



DUST DISEASES TRIBUNAL OF NSW

ADVICE TO PRACTITIONERS (No.1 of 2022)

NEW TRIBUNAL FEES COMMENCING 1 JULY 2022

Practitioners are advised that the Justice Legislation Amendment (Fees) Regulation 2022 commenced on 1 July 2022.

A copy of Schedule 4 of the Amendment of Dust Diseases Tribunal Regulation 2019 is attached.

Daniel Watson
Registrar
1 July 2022



New South Wales

Justice Legislation Amendment (Fees) Regulation 2022

His Honour the Administrator, with the advice of the Executive Council, has made the following Regulation under the following Acts—

- (a) the *Civil and Administrative Tribunal Act 2013*,
- (b) the *Civil Procedure Act 2005*,
- (c) the *Criminal Procedure Act 1986*,
- (d) the *Dust Diseases Tribunal Act 1989*,
- (e) the *Succession Act 2006*.

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Regulation is to provide for the annual automatic indexation of certain court fees in accordance with the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.

Justice Legislation Amendment (Fees) Regulation 2022

1 Name of Regulation

This Regulation is the *Justice Legislation Amendment (Fees) Regulation 2022*.

2 Commencement

This Regulation commences on 1 July 2022.

Schedule 4 Amendment of Dust Diseases Tribunal Regulation 2019

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—
fee unit—see Schedule 1, Part 2, clause 2(1).

[2] Clause 4 Fees payable in respect of Tribunal proceedings

Insert after clause 4(1)—

(1A) A fee specified in Schedule 1, Part 1 is expressed as a fee unit unless otherwise specified.

[3] Clause 4A

Insert after clause 4—

4A Annual adjustment of fees—the Act, s 34

The fee payable by a person in relation to Tribunal proceedings is to be adjusted for inflation in accordance with Schedule 1, Part 2.

[4] Clause 8 Persons by and to whom fees payable

Omit “provided for by item 14 of Schedule 1” from clause 8(2).

Insert instead “specified in Schedule 1, Part 1, item 8”.

[5] Schedule 1

Omit the Schedule. Insert instead—

Schedule 1 Fees

clauses 4 and 4A

Part 1 Fees

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
Filing fees			
1	Initiating process	2.16	Double the standard fee
2	Cross-claim	2.16	Double the standard fee
3	Notice of motion	2.23	Double the standard fee
Hearing fees			
4	First directions hearing	8.61	Double the standard fee
Fees for issuing subpoenas			

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
5	For production	0.87	Double the standard fee
6	To give evidence	0.42	Double the standard fee
7	For production and to give evidence	0.87	Double the standard fee
Fees for administrative services			
8	Receipt by the registrar of a document or thing produced in compliance with a notice to produce under the <i>Uniform Civil Procedure Rules 2005</i> , Part 34	0.87	Double the standard fee
9	Retrieving, providing access to and supplying a copy of a document, except as specified in items 10–12—		
	(a) for up to 20 pages	0.13	—
	(b) for each 10 pages, or part of 10 pages, after the first 20 pages	0.07	—
10	Supplying a copy of the written opinion or reasons for opinion of a member of the Tribunal—		
	(a) for a printed copy	0.75	—
	(b) for another kind of copy	0.46	—
11	Supplying a copy of a transcript of proceedings—		
	(a) if the matter being transcribed is less than 3 months old—		
	(i) for up to 8 pages	0.92	—
	(ii) for each following page	0.11	—
	(b) if the matter being transcribed is 3 or more months old—		
	(i) for up to 8 pages	1.11	—
	(ii) for each following page	0.13	—
12	Retrieving and providing access to, but not supplying a copy of, a file or box of files in relation to proceedings before the Tribunal, if the file or box of files is retrieved from an off-site storage facility—		
	(a) standard retrieval request	0.85	—

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
	(b) non-standard retrieval request, including a retrieval request—	0.85 plus the additional cost incurred by the Tribunal	—
	(i) of urgent, high or after hours priority, or		
	(ii) for delivery to or from a location outside the Sydney metropolitan area		
13	Supplying 1 or more sealed or certified copies of a judgment or order of the Tribunal	0.75	—
14	Supplying a duplicate recording of sound-recorded evidence, for each disc	0.56	—
15	Requesting production to the court of documents held by another court	0.64	Double the standard fee
16	Opening or keeping open the registry or part of the registry—		
	(a) on a Saturday, Sunday or public holiday	7.64	Double the standard fee
	(b) on another day—		
	(i) before 8.30am or after 4.30pm	7.64	Double the standard fee
	(ii) between 8.30am and 9am or 4pm and 4.30pm	0.8	Double the standard fee
Fees for other services			
17	Providing a service in respect of proceedings before the Tribunal for which a fee is not otherwise provided for in this Schedule, if the registrar approves the charging of a fee	0.45	Double the standard fee

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for Regulation

(1) In this Regulation, a fee unit is—

- (a) in the financial year 2022–2023—\$103.05, and
- (b) in each subsequent financial year—the amount calculated as follows—

$$\$103.05 \times \frac{A}{B}$$

where—

A is the CPI number for the December quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the December quarter of 2021.

- (2) The amount of a fee unit is to be rounded to the nearest cent and an amount of 0.5 cent is to be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the December quarter is published by the Australian Bureau of Statistics, the Secretary of the Department of Communities and Justice is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.