



## **DUST DISEASES TRIBUNAL OF NSW**

### **ADVICE TO PRACTITIONERS (No.2 of 2023)**

#### **NEW TRIBUNAL FEES COMMENCING 1 JULY 2023**

Practitioners are advised that Schedule 1 Part 2 of the *Dust Diseases Tribunal Regulation 2019* has been updated to reflect the new fee unit amount for financial year 2023-24.

A copy of Schedule 1 of the *Dust Diseases Tribunal Regulation 2019* and a table of the new fee amounts is attached below.

Daniel Watson  
Registrar  
30 June 2023

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# Dust Diseases Tribunal Regulation 2019

Current version for 1 July 2022 to date (accessed 30 June 2023 at 13:10)

[Schedule 1](#)

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## 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			
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	—
	(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
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## 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.

**Editorial note.** Fee unit amount calculated under this clause—

Financial year	Fee unit amount
2023–24	\$110.93

### 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.

Dust Diseases Tribunal Regulation 2019		Standard Fee (2020-21)	Standard Fee (2021-22) CPI	Revised Standard Fee (2022-2023)	Standard Fee (2023-2024)	Corp Fee (2020-21)	Corp Fee (2021-22)	Revised Corp Fee (2022-23)*	Corp Fee (2023-24)*
<b>Schedule 1 Fees</b>						2021/22 CPI Increase	0.80%		
						2022/23 CPI Increase	3.05%		
						2023/24 CPI Increase	7.65%		
Item	Matter for which fee payable								
1	Filing an initiating process	\$214.00	\$216.00	\$223.00	240.00	\$428.00	\$432.00	\$446.00	480.00
2	Filing a cross-claim	\$214.00	\$216.00	\$223.00	240.00	\$428.00	\$432.00	\$446.00	480.00
3	Filing a request for a first directions hearing (for a claim or cross-claim)	\$854.00	\$861.00	\$887.00	955.00	\$1,708.00	\$1,722.00	\$1,774.00	1,910.00
4	Filing a notice of motion	\$221.00	\$223.00	\$230.00	248.00	\$442.00	\$446.00	\$460.00	496.00
5	Opening or keeping open the registry or part of the registry:								
	(a) on a Saturday, Sunday or public holiday	\$758.00	\$764.00	\$787.00	847.00	\$1,516.00	\$1,528.00	\$1,574.00	1,694.00
	(b) on any other day:								
	(i) before 8.30 am or after 4.30 pm	\$758.00	\$764.00	\$787.00	847.00	\$1,516.00	\$1,528.00	\$1,574.00	1,694.00
	(ii) between 8.30 and 9 am or 4 and 4.30 pm	\$79.00	\$80.00	\$82.00	88.00	\$158.00	\$160.00	\$164.00	176.00
6	Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by items 7, 10 and 15)								
	(a) for the first 20 pages	\$13.00	\$13.00	\$13.00	14.00				
	(b) for each 10 pages (or part of 10 pages) after the first 20 pages	\$7.00	\$7.00	\$7.00	8.00				
7	Furnishing a copy of the written opinion or reasons for opinion of any member of the Tribunal:								
	(a) for a printed copy	\$74.00	\$75.00	\$77.00	83.00	—	—		
	(b) for any other kind of copy	\$46.00	\$46.00	\$47.00	51.00	—	—		
	<b>Note.</b> A party to proceedings before the Tribunal is entitled to one copy of the opinion or reasons for opinion in relation to the proceedings without charge.								
8	Furnishing one or more sealed or certified copies of a judgment or order of the Tribunal	\$74.00	\$75.00	\$77.00	83.00	—	—		
9	Supplying a duplicate recording of sound-recorded evidence, for each disc	\$56.00	\$56.00	\$58.00	62.00	—	—		
10	Supplying a copy of the transcript of any proceedings:								
	(a) for each page, where the matter being transcribed is less than 3 months old:								
	(i) for up to 8 pages	\$91.00	\$92.00	\$95.00	102.00	—	—		
	(ii) for each page over 8 pages	\$11.00	\$11.00	\$11.00	12.00	—	—		
	(b) for each page, where the matter being transcribed is 3 or more months old:								
	(i) for up to 8 pages	\$110.00	\$111.00	\$114.00	123.00	—	—		
	(ii) for each page over 8 pages	\$13.00	\$13.00	\$13.00	14.00	—	—		
	Note.								

\*double the standard fee

	A person who is supplied with a copy of a transcript of any proceedings of the Tribunal by a third party provider (not being the Tribunal or the Department of Communities and Justice's Reporting Services Branch) may be liable to pay a fee stipulated by that provider for that service. Such a fee is not subject to this item.								
11	Issuing a subpoena for production	\$86.00	\$87.00	\$90.00	97.00	\$172.00	\$174.00	\$180.00	194.00
12	Issuing a subpoena to give evidence	\$42.00	\$42.00	\$43.00	46.00	\$84.00	\$84.00	\$86.00	92.00
13	Issuing a subpoena for production and to give evidence	\$86.00	\$87.00	\$90.00	97.00	\$172.00	\$174.00	\$180.00	194.00
14	Receipt by the Registrar of a document or thing produced in compliance with a notice to produce under Part 34 of the <i>Uniform Civil Procedure Rules 2005</i>	\$86.00	\$87.00	\$90.00	97.00	\$172.00	\$174.00	\$180.00	194.00
15	Retrieving and providing access to, but not furnishing a copy of, any file or box of files in respect of proceedings before the Tribunal, where the file or box of files is retrieved from:								
	(a) standard retrieval request (per file or box of files)	\$84.00	\$85.00	\$88.00	95.00	—	—		
	(b) non-standard retrieval request (including an urgent, high or after hours priority retrieval request or a retrieval request for delivery to or from a regional location outside the Sydney metropolitan area)	Such additional fee incurred by the Tribunal							
16	Requesting production to the court of documents held by another court	\$63.00	\$64.00	\$66.00	71.00	\$126.00	\$128.00	\$132.00	142.00
17	Providing any service for which a fee is not otherwise provided for in this Schedule	\$45.00	\$45.00	\$46.00	50.00	\$90.00	\$90.00	\$92.00	100.00
	<b>Note.</b> This fee is chargeable only with the approval of the Registrar.								