



New South Wales

Dust Diseases Tribunal Amendment (Fees) Regulation 2007

under the

Dust Diseases Tribunal Act 1989

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Dust Diseases Tribunal Act 1989*.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees payable in respect of proceedings before the Dust Diseases Tribunal, and
- (b) to make it clear that the party to a proceeding and a solicitor or other person representing that party in proceedings are jointly and severally liable for the payment of certain fees.

This Regulation is made under the *Dust Diseases Tribunal Act 1989*, including section 34 (Regulations: Tribunal fees).

2007 No 282

Clause 1 Dust Diseases Tribunal Amendment (Fees) Regulation 2007

Dust Diseases Tribunal Amendment (Fees) Regulation 2007

under the

Dust Diseases Tribunal Act 1989

1 Name of Regulation

This Regulation is the *Dust Diseases Tribunal Amendment (Fees) Regulation 2007*.

2 Commencement

This Regulation commences on 1 July 2007.

3 Amendment of Dust Diseases Tribunal Regulation 2007

The *Dust Diseases Tribunal Regulation 2007* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 8 Person by and to whom fees payable

Insert after clause 8 (1):

- (1A) For the purposes of subclause (1), the fee provided for by item 13 of Schedule 1 is taken to be payable by the person who filed the notice to produce referred to in that item.

[2] Clause 8 (2A)

Insert after clause 8 (2):

- (2A) For the purposes only of subclause (2), a solicitor or other person by whom a person is carrying on proceedings is taken to be acting as an agent for that person.

[3] Clause 9 First directions hearing fee

Omit subclause (2). Insert instead:

- (2) If a party is carrying on proceedings by a solicitor or other person, the party and solicitor or other person are jointly and severally liable for the payment of the first directions hearing fee.

[4] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clause 4)

		\$
1	Filing an initiating process	306 (in the case of a corporation) or 153 (in any other case)
2	Filing a cross-claim	306 (in the case of a corporation) or 153 (in any other case)
3	Filing request for first directions hearing (for a claim or cross-claim)	1,188 (in the case of a corporation) or 594 (in any other case)
4	Filing notice of motion	306 (in the case of a corporation) or 153 (in any other case)

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Schedule 1 Amendments

		\$
5	To open or keep open the registry or part of the registry:	
	(a) on a Saturday, Sunday or public holiday	1,052 (in the case of a corporation) or 526 (in any other case)
	(b) on any other day:	
	(i) before 8.30 am or after 4.30 pm	1,052 (in the case of a corporation) or 526 (in any other case)
	(ii) between 8.30 and 9 am or 4 and 4.30 pm	110 (in the case of a corporation) or 55 (in any other case)
6	To furnish a copy of the written opinion or reasons for opinion of any member of the Tribunal:	
	(a) for a printed copy	52
	(b) for any other kind of copy	32
	Note. 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.	
7	Making a copy of any document, otherwise than as provided for by item 5, for each page (minimum fee of \$10)	2
8	Supply of duplicate tape recording of sound-recorded evidence, for each cassette	37
9	For each copy of the transcript of any proceedings:	
	(a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages of \$68)	8.20
	(b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages of \$78)	9.30

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Amendments

Schedule 1

		\$
10	To issue a subpoena for production	118 (in the case of a corporation) or 59 (in any other case)
11	To issue a subpoena for production and to give evidence	118 (in the case of a corporation) or 59 (in any other case)
12	To issue a subpoena to give evidence	58 (in the case of a corporation) or 29 (in any other case)
13	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>	118 (in the case of a corporation) or 59 (in any other case)
14	The fee for a service not otherwise provided for in this Schedule Note. This fee is chargeable only with the approval of the Registrar.	62 (in the case of a corporation) or 31 (in any other case)

BY AUTHORITY