



Industrial Relations (General) Amendment (Fees) Regulation 2011

under the

Industrial Relations Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Industrial Relations Act 1996*.

GREG PEARCE, MLC
Minister for Finance and Services

Explanatory note

The object of this Regulation is to amend the *Industrial Relations (General) Regulation 2001*:

- (a) to increase certain fees charged by the Industrial Relations Commission, and
- (b) to introduce new fees relating to:
 - (i) filing a notice of leave to appeal to the Full Bench of the Industrial Court, and
 - (ii) filing a notice of motion in proceedings on an appeal to the Full Bench of the Industrial Court,

under section 197B of the *Industrial Relations Act 1996* or section 23A of the *Transport Appeal Boards Act 1980* against any decision on a question of law.

This Regulation is made under the *Industrial Relations Act 1996*, including sections 183 and 407 (the general regulation-making power).

2011 No 366

Clause 1 Industrial Relations (General) Amendment (Fees) Regulation 2011

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under the

Industrial Relations Act 1996

1 Name of Regulation

This Regulation is the *Industrial Relations (General) Amendment (Fees) Regulation 2011*.

2 Commencement

This Regulation commences on 15 July 2011 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Industrial Relations (General) Regulation 2001

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Commission fees

(Clause 23A)

Fees for proceedings before Commission sitting as Industrial Court

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Filing an application under Division 2 of Part 9 of Chapter 2 of the Act	\$798	\$1,596
2 Filing notice of leave to appeal to the Full Bench of the Industrial Court under section 187 of the Act in relation to a decision of the Commission under Division 2 of Part 9 of Chapter 2 of the Act	\$887	\$1,774
3 Filing an application for an order under section 246 of the <i>Criminal Procedure Act 1986</i> in respect of an offence dealt with before the Industrial Court: (a) under section 397 (1) (b) of the <i>Industrial Relations Act 1996</i> , or (b) under section 105 (1) (b) of the <i>Occupational Health and Safety Act 2000</i>	\$798	\$1,596
4 Filing notice of leave to appeal to the Full Bench of the Industrial Court: (a) under section 197 (1) (a), (b) or (c) of the Act in respect of a decision of the Local Court, or (b) against any decision on a question of law: (i) under section 197B of the <i>Industrial Relations Act 1996</i> , or (ii) section 23A of the <i>Transport Appeal Boards Act 1980</i>	\$262	\$524

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Schedule 1 Amendment of Industrial Relations (General) Regulation 2001

Fees for proceedings before Commission sitting as Industrial Court

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
5 Filing a notice of motion in any of the following proceedings: (a) proceedings under Division 2 of Part 9 of Chapter 2 of the Act, (b) proceedings on an appeal to the Full Bench of the Industrial Court under section 187 of the Act in relation to a decision of the Commission under Division 2 of Part 9 of Chapter 2 of the Act, (c) proceedings on an appeal to the Full Bench of the Industrial Court under section 197 (1) (a), (b) or (c) of the Act in respect of a decision of the Local Court, (d) proceedings on an appeal to the Full Bench of the Industrial Court against any decision on a question of law: (i) under section 197B of the <i>Industrial Relations Act 1996</i> , or (ii) under section 23A of the <i>Transport Appeal Boards Act 1980</i> , (e) proceedings for an offence dealt with before the Industrial Court: (i) under section 397 (1) (b) of the <i>Industrial Relations Act 1996</i> , or (ii) under section 105 (1) (b) of the <i>Occupational Health and Safety Act 2000</i>	\$185	\$370
6 For allocation of a date for hearing in relation to: (a) proceedings under Division 2 of Part 9 of Chapter 2 of the Act, or (b) proceedings on an appeal to the Full Bench of the Industrial Court under section 187 of the Act in relation to a decision of the Commission under Division 2 of Part 9 of Chapter 2 of the Act	\$1,523	\$3,046

Fees for proceedings before Commission sitting as Industrial Court

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
7 For the hearing of proceedings under Division 2 of Part 9 of Chapter 2 of the Act, for each half day of hearing on or after the 11th day Note. For the purposes of this item, a half day comprises a period of 3 hours or less, with such period to include any adjournment of less than half an hour.	\$284	\$568

Fees for proceedings before Commission (otherwise than sitting as Industrial Court)

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Filing an application under section 84 of the Act	\$70	—
2 Filing notice of leave to appeal to the Full Bench of the Commission under section 187 of the Act in relation to a decision of the Commission under Part 6 of Chapter 2 of the Act	\$236	\$472

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Issuing a summons for production, or for production and to give evidence	\$70	\$140
2 Issuing a summons to give evidence	\$34	\$68
3 Opening or keeping open the registry or part of the registry:		
(a) on a Saturday, Sunday or public holiday, or	\$629	\$1,258

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Schedule 1 Amendment of Industrial Relations (General) Regulation 2001

Miscellaneous fees		
Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(b) on any other day:		
(i) before 8.30am or after 4.30pm, or	\$629	\$1,258
(ii) between 8.30am and 9.00am or between 4.00pm and 4.30pm	\$66	\$132
4 Furnishing a certified copy of a judgment or order, or of the written opinion or reasons for opinion of any member of the Commission or the Industrial Registrar Note. Fees under this item are not chargeable to any party to proceedings in respect of the first such copy that is supplied to that party.	\$70	\$140
5 Furnishing an uncertified copy of a judgment or order, or of the written opinion or reasons for opinion of any member of the Commission or the Industrial Registrar Note. Fees under this item are not chargeable to any party to proceedings in respect of the first such copy that is supplied to that party.	\$38	\$76
6 Making a copy of any document (otherwise than as provided for by items 4 and 5) Note 1. Except as provided in Note 2, fees under this item are chargeable: (a) to the Crown or any person acting on behalf of the Crown, and (b) to an industrial organisation or association registered under Chapter 5 of the Act. Note 2. Fees under this item are not chargeable to any person in respect of whom the Director-General of the Department of Finance and Services, or the President of the Anti-Discrimination Board, has authorised the making of such a copy without charge.	\$11.10, plus \$5.50 for each 10 pages (or part of 10 pages) after the first 20 pages	—

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
7 Supplying a duplicate tape recording of sound-recorded evidence Note 1. Except as provided in Note 2, fees under this item are chargeable: (a) to the Crown or any person acting on behalf of the Crown, and (b) to an industrial organisation or association registered under Chapter 5 of the Act. Note 2. Fees under this item are not chargeable to any person to whom the Director-General of the Department of Finance and Services, or the President of the Anti-Discrimination Board, has authorised the supply of such a recording without charge.	\$45 per cassette	—
8 Supplying a copy of the transcript of any proceedings: (a) where the matter being transcribed is under 3 months old, or (b) where the matter being transcribed is 3 months old or older Note 1. Except as provided in Note 2, fees under this item are chargeable: (a) to the Crown or any person acting on behalf of the Crown, and (b) to an industrial organisation or association registered under Chapter 5 of the Act. Note 2. Fees under this item are not chargeable to any person to whom the Director-General of the Department of Finance and Services, or the President of the Anti-Discrimination Board, has authorised the supply of such a copy without charge.	\$79, plus an additional \$9.70 per page after the first 8 pages \$97, plus an additional \$11 per page after the first 8 pages	— —

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Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
9 For retrieval from archives of any document or file	\$70	\$140
10 Providing any service for which a fee is not otherwise imposed by this Schedule Note. A fee may not be imposed under this item except with the approval of the Industrial Registrar.	\$36	\$72
