



New South Wales

# Civil Procedure Amendment (Retrieval Fees) Regulation 2011

under the

Civil Procedure Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Civil Procedure Act 2005*.

GREG SMITH, MP  
Attorney General

## Explanatory note

The object of this Regulation is to amend the *Civil Procedure Regulation 2005* (***the Principal Regulation***) to allow the Supreme Court, Land and Environment Court, District Court and Local Court to recover their costs whenever a file or box of files is retrieved from the Government Records Repository (***the Repository***) (located at Kingswood), the State Archives (***the Archives***) (located at the Sydney Records Centre, The Rocks and the Western Sydney Records Centre, Kingswood) or any other off-site storage facility in respect of proceedings before the courts.

The standard retrieval fees for retrieving a file or box of files are:

- (a) from the Repository or any other off-site storage facility (other than the Archives)—\$12 per file or box of files, and
- (b) from the Archives—\$30 per file or box of files.

The Repository and other off-site storage facilities (other than the Archives) charge additional fees for urgent, high or after hours priority retrieval requests. The fees vary according to the time of day when the request is received and when the file or box of files is delivered. For example, the Repository's fee for an urgent priority retrieval request may be as much as \$100 for the first file and \$5 per file after the first file.

The Repository and other off-site storage facilities (other than the Archives) may also charge an additional fee for a retrieval request for delivery of a file or box of files to or from a regional location outside the Sydney metropolitan area.

As with all fees that are payable, Part 4 of the Principal Regulation provides that the registrar of a court may by order direct that the whole or any part of a fee payable to the registrar of the court be waived, postponed or remitted having regard to the circumstances of the parties.

This Regulation is made under the *Civil Procedure Act 2005*, including section 18 (Fees).

## 2011 No 664

Clause 1 Civil Procedure Amendment (Retrieval Fees) Regulation 2011

---

# Civil Procedure Amendment (Retrieval Fees) Regulation 2011

under the

Civil Procedure Act 2005

### 1 Name of Regulation

This Regulation is the *Civil Procedure Amendment (Retrieval Fees) Regulation 2011*.

### 2 Commencement

This Regulation commences on 1 January 2012 and is required to be published on the NSW legislation website.

### 3 Amendment of Civil Procedure Regulation 2005

#### Schedule 1 Court fees

Omit item 8 from Part 5. Insert instead:

- 8 Retrieving and providing access to, but not furnishing a copy of, any file or box of files, where the file or box of files is retrieved from:
- (a) the Government Records Repository or any other off-site storage facility (other than the State Archives):
    - (i) standard retrieval request \$12 per file or box of files —
    - (ii) 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 a court —
  - (b) the State Archives—standard retrieval request \$30 per file or box of files —