



New South Wales

# Criminal Procedure Amendment (Retrieval Fees) Regulation 2011

under the

Criminal Procedure Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Criminal Procedure Act 1986*.

GREG SMITH, MP  
Attorney General

## Explanatory note

The object of this Regulation is to amend the *Criminal Procedure Regulation 2010* (*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*), the State Archives (*the Archives*) 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, clauses 14 and 15 of Part 3 of the Principal Regulation provide 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 *Criminal Procedure Act 1986*, including sections 4 (the general regulation-making power) and 4A (Fees).

## 2011 No 667

Clause 1 Criminal Procedure Amendment (Retrieval Fees) Regulation 2011

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Criminal Procedure Act 1986

### 1 Name of Regulation

This Regulation is the *Criminal 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 Criminal Procedure Regulation 2010

#### Schedule 2 Fees

Omit item 8 from Part 1. 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