



New South Wales

Industrial Relations (General) Amendment (Fees) Regulation 2016

under the

Industrial Relations Act 1996

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

GLADYS BEREJIKLIAN, MP
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to amend the *Industrial Relations (General) Regulation 2015*:

- (a) to increase certain fees charged by the Industrial Relations Commission, and
- (b) to align certain fees charged by the Commission (with some variation) with the fees charged for similar matters in the Supreme Court, Land and Environment Court, District Court and Local Court, as a consequence of the Commission's transitioning to the JusticeLink case management system, and
- (c) to remove redundant matter.

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

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1 Name of Regulation

This Regulation is the *Industrial Relations (General) Amendment (Fees) Regulation 2016*.

2 Commencement

This Regulation commences on 1 August 2016 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Industrial Relations (General) Regulation 2015

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Commission fees

(Clause 22)

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	\$900.00	\$1,800.00
2 Filing an application for an order under section 246 of the <i>Criminal Procedure Act 1986</i> in respect of an offence dealt with: (a) under section 397 (1) (b) of the <i>Industrial Relations Act 1996</i> , or (b) under section 229B (2) (b) of the <i>Work Health and Safety Act 2011</i>	\$900.00	\$1,800.00
3 Filing notice of leave to appeal: (a) under section 197 (1) (a), (b), (c) or (d) of the Act in respect of a decision of the Local Court, or (b) against any decision on a question of law under section 197B of the Act	\$297.00	\$594.00
4 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 under section 197 (1) (a), (b), (c) or (d) of the Act in respect of a decision of the Local Court, (c) proceedings on an appeal against any decision on a question of law under section 197B of the Act, (d) proceedings for an offence dealt with: (i) under section 397 (1) (b) of the <i>Industrial Relations Act 1996</i> , or (ii) under section 229B (2) (b) of the <i>Work Health and Safety Act 2011</i>	\$210.00	\$420.00
5 For allocation of a date for hearing in relation to proceedings under Division 2 of Part 9 of Chapter 2 of the Act	\$1,719.00	\$3,438.00

Fees for proceedings before Commission sitting as Industrial Court

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
6 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.	\$321.00	\$642.00

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	\$80.00	—
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:		
(a) Part 6 of Chapter 2 of the Act, or	\$266.00	\$532.00
(b) Division 2 of Part 9 of Chapter 2 of the Act	\$1,001.00	\$2,002.00
3 Filing a notice of motion in proceedings on an appeal to the Full Bench of the Commission 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	\$210.00	\$420.00
4 For allocation of a date for hearing in relation to proceedings on an appeal to the Full Bench of the Commission 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	\$1,719.00	\$3,438.00

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Issuing a summons (for production, or to give evidence, or both)	\$100.00	\$200.00
2 Opening or keeping open the registry or part of the registry:		
(a) on a Saturday, Sunday or public holiday, or	\$721.00	\$1,442.00
(b) on any other day:		
(i) before 8.30 am or after 4.30 pm, or	\$721.00	\$1,442.00
(ii) between 8.30 am and 9.00 am or between 4.00 pm and 4.30 pm	\$76.00	\$152.00

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
3 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.	\$80.00	\$160.00
4 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.	\$43.00	\$86.00
5 Making a copy of any document (otherwise than as provided for by items 3 and 4):		
(a) for the first 20 pages, and	\$13.00	—
(b) for each 10 pages (or part of 10 pages) after the first 20 pages	\$7.00	—
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 Secretary of the Treasury, or the President of the Anti-Discrimination Board, has authorised the making of such a copy without charge.		
6 Supplying a duplicate tape recording of sound-recorded evidence—per cassette	\$51.00	—
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 Secretary of the Treasury, or the President of the Anti-Discrimination Board, has authorised the supply of such a recording without charge.		
7 Supplying a copy of the transcript of any proceedings:		
(a) where the matter being transcribed is under 3 months old:		
(i) for the first 8 pages, and	\$87.00	—
(ii) for each page after the first 8 pages, or	\$11.00	—
(b) where the matter being transcribed is 3 months old or older:		
(i) for the first 8 pages, and	\$107.00	—
(ii) for each page after the first 8 pages	\$12.50	—

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
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 Secretary of the Treasury, or the President of the Anti-Discrimination Board, has authorised the supply of such a copy without charge.		
8	For retrieval from archives of any document or file	\$80.00 \$160.00
9	Providing any service for which a fee is not otherwise imposed by this Schedule	\$42.00 \$84.00
Note. A fee may not be imposed under this item except with the approval of the Industrial Registrar.		
