



New South Wales

Criminal Procedure Amendment (Fees) Regulation 2017

under the

Criminal Procedure Act 1986

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

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Regulation is to amend the *Criminal Procedure Regulation 2010*:

- (a) to increase certain fees payable in relation to:
 - (i) the conduct of criminal proceedings, and
 - (ii) the provision of copies of transcripts of evidence, recorded statements and witnesses' statements, and
 - (iii) the functions exercised by the Sheriff in relation to criminal proceedings, and
- (b) to increase (from \$14 or \$34 for different types of records to \$80 for any record) the fee payable for a standard retrieval request for retrieving and providing access to a file or box of files retrieved from an off-site storage facility so as to bring the fee into line with the fee charged by the NSW Civil and Administrative Tribunal for the same service.

This Regulation is made under the *Criminal Procedure Act 1986*, including sections 4 (the general regulation-making power), 4A and 114.

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1 Name of Regulation

This Regulation is the *Criminal Procedure Amendment (Fees) Regulation 2017*.

2 Commencement

This Regulation commences on 1 July 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Criminal Procedure Regulation 2010

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clauses 10 and 11)

Part 1 Court fees

Item	Matter for which fee payable	Fee
1	Filing a court attendance notice under Chapter 4 of the <i>Criminal Procedure Act 1986</i> to commence proceedings to which Parts 2–4 of that Chapter apply	\$93
2	Filing an application under Chapter 4 of the <i>Criminal Procedure Act 1986</i> to commence proceedings to which Part 5 of that Chapter applies, being proceedings in the Land and Environment Court (Class 5 of that Court's jurisdiction)	\$937
3	Filing an application to commence summary proceedings brought in the District Court, other than proceedings brought by the secretary of an industrial organisation of employees	\$1,852
4	Filing an application to the Local Court for annulment of conviction or sentence under Part 2 of the <i>Crimes (Appeal and Review) Act 2001</i>	\$93
5	Filing a notice of appeal, or an application for leave to appeal, to the District Court under Part 3 of the <i>Crimes (Appeal and Review) Act 2001</i> :	
	(a) in relation to a single offence	\$115
	(b) in relation to more than one offence arising from the same court appearance	\$179
6	Filing a notice of appeal, or an application for leave to appeal, to the Land and Environment Court under Part 4 of the <i>Crimes (Appeal and Review) Act 2001</i> (Class 6 or 7 of that Court's jurisdiction)	\$937
7	Issuing a certificate of conviction or dismissal	\$60
8	Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by items 9 and 11):	
	(a) for up to 20 pages	\$13
	(b) for each 10 pages (or part thereof) after the first 20 pages	\$7
9	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 an off-site storage facility:	
	(a) standard retrieval request	\$80 per file or box of files
	(b) non-standard retrieval request (including an urgent retrieval request, a 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

Item	Matter for which fee payable	Fee
10	Supplying a duplicate recording of sound-recorded evidence—per disc	\$52
11	Providing a copy of any deposition or transcript (unless otherwise provided for under any other Act):	
	(a) for each page, where the matter being transcribed is under 3 months old:	
	(i) for up to 8 pages	\$89
	(ii) for each page after the first 8 pages	\$11
	(b) for each page, where the matter being transcribed is 3 months old or older:	
	(i) for up to 8 pages	\$109
	(ii) for each page after the first 8 pages	\$13

Part 2 Sheriff's fees

Item	Matter for which fee payable	Fee
1	Attending a view by a jury in criminal proceedings	\$184
