



New South Wales

Justice Legislation Amendment (Fees) Regulation 2022

His Honour the Administrator, with the advice of the Executive Council, has made the following Regulation under the following Acts—

- (a) the *Civil and Administrative Tribunal Act 2013*,
- (b) the *Civil Procedure Act 2005*,
- (c) the *Criminal Procedure Act 1986*,
- (d) the *Dust Diseases Tribunal Act 1989*,
- (e) the *Succession Act 2006*.

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Regulation is to provide for the annual automatic indexation of certain court fees in accordance with the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.

Justice Legislation Amendment (Fees) Regulation 2022

1 Name of Regulation

This Regulation is the *Justice Legislation Amendment (Fees) Regulation 2022*.

2 Commencement

This Regulation commences on 1 July 2022.

Schedule 1 Amendment of Civil and Administrative Tribunal Regulation 2013

[1] **Clause 3, heading**

Omit “**Definition**”. Insert instead “**Definitions**”.

[2] **Clause 3(1)**

Insert in alphabetical order—

fee unit—see Schedule 2, Part 2, clause 2(1).

[3] **Clause 5A**

Insert after clause 5—

5A Annual adjustment of fees—the Act, s 90(2)(b) and (d)

The fee payable by a person to the principal registrar is to be adjusted for inflation in accordance with Schedule 2, Part 2.

[4] **Schedule 2**

Omit the Schedule. Insert instead—

Schedule 2 Fees

clauses 5 and 5A

Part 1 Fees

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
Lodgment fees			
1	General application in residential proceedings	0.52	Double the standard fee
2	General application in strata proceedings, unless otherwise specified in this Schedule—		
	(a) if the application includes an application for an interim order under the <i>Strata Schemes Management Act 2015</i> , section 231	2.16	Double the standard fee
	(b) if the application does not include an application specified in paragraph (a)	1.08	Double the standard fee
3	General application in consumer or commercial proceedings—		

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
	(a) if—	0.52	Double the standard fee
	(i) the amount claimed or in dispute is not more than \$10,000, or		
	(ii) no amount is claimed or in dispute		
	(b) if the amount claimed or in dispute is more than \$10,000 but not more than \$30,000	1.08	Double the standard fee
	(c) if the amount claimed or in dispute is more than \$30,000	2.79	Double the standard fee
4	General application for a decision under the <i>Retail Leases Act 1994</i>	1.07	Double the standard fee
5	General application or external appeal in other proceedings—		
	(a) for an appeal required to be determined by an Appeal Panel	4.38	Double the standard fee
	(b) for an application or appeal required to be determined in a Division by 2 or more Division members	2.23	Double the standard fee
	(c) for another application or external appeal	1.07	Double the standard fee
6	Administrative review application—		
	(a) for an application required to be determined by 2 or more members	2.23	Double the standard fee
	(b) for another application	1.07	Double the standard fee
7	Internal appeal	4.38	Double the standard fee
8	Set aside application	1.08	Double the standard fee
9	General application under the <i>Community Land Management Act 2021</i> for an order under that Act, Part 11, Division 4 for settlement of a dispute or complaint—		
	(a) if the application includes an application for an interim order under that Act, section 192	1.8	Double the standard fee
	(b) if the application does not include an application specified in paragraph (a)	0.9	Double the standard fee

Fees for issuing summonses

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
10	Issuing a summons for production or to give evidence, or both	0.48	—
Fees for administrative services			
11	Request by the Tribunal for the production to the Tribunal of documents held by a court	0.55	—
12	Retrieving a document or file from archives	0.85	—
13	Providing a copy or certified copy of decision or written reasons	0.85	—

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

Secretary means the Secretary of the Department of Communities and Justice.

2 Calculation of fee unit for Regulation

- (1) In this Regulation, a fee unit is—
- (a) in the financial year 2022–2023—\$103.05, and
 - (b) in each subsequent financial year—the amount calculated as follows—

$$\$103.05 \times \frac{A}{B}$$

where—

A is the CPI number for the December quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the December quarter of 2021.

- (2) The amount of a fee unit must be rounded to the nearest cent and an amount of 0.5 cent is to be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the December quarter is published by the Australian Bureau of Statistics, the Secretary is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.

Schedule 2 Amendment of Civil Procedure Regulation 2017

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—
fee unit—see Schedule 1, Part 6, clause 2(1).

[2] Clause 4 Fees payable in relation to court proceedings

Insert after clause 4(2)—

(2A) A fee specified in Schedule 1 is expressed as a fee unit unless otherwise specified.

[3] Clause 4A

Insert after clause 4—

4A Annual adjustment of court fees—the Act, s 18(1)(a), (c) and (f)

The fee payable by a person in relation to civil proceedings is to be adjusted for inflation in accordance with Schedule 1, Part 6.

[4] Schedule 1

Omit Schedule 1. Insert instead—

Schedule 1 Court fees

clauses 4 and 4A

Part 1 Supreme Court

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee (in fee units)
Filing fees—all divisions			
1	Originating process, except as specified in item 2 or 5–7	11.69	32
2	Originating process for an application for a grant of representation, or a resale of a grant of representation, in relation to an estate with a sworn gross value of—		
	(a) less than \$100,000	Nil	—
	(b) \$100,000 or more but less than \$250,000	7.78	—
	(c) \$250,000 or more but less than \$500,000	10.56	—
	(d) \$500,000 or more but less than \$1,000,000	16.2	—
	(e) \$1,000,000 or more but less than \$2,000,000	21.58	—
	(f) \$2,000,000 or more but less than \$5,000,000	35.97	—
	(g) \$5,000,000 or more	59.96	—
3	Notice of motion	6.47	12.95

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee (in fee units)
4	Application for rehearing under the Act, Part 5, Division 3	6.86	13.72
Filing fees—Court of Appeal			
5	Notice of intention to appeal	3.35	7.64
6	Summons seeking leave to appeal or cross-summons seeking leave to cross-appeal, in proceedings where—		
	(a) a notice of intention to appeal has been filed by the same party	11.95	23.39
	(b) a notice of intention to appeal has not been filed by the same party	15.30	31.02
7	Notice of appeal or notice of cross appeal—		
	(a) in proceedings where leave to appeal has been granted	23.59	47.82
	(b) in proceedings where a notice of intention to appeal has been filed by the same party	35.54	71.24
	(c) otherwise	38.88	78.88
Jury fees			
8	Filing a requisition for trial with a jury	12.07	24.14
9	Retaining a jury after the first day of trial, for each day	5.49	10.98
Hearing allocation fees and hearing fees			
10	Allocating a date for the hearing of proceedings	23.33	53.32
11	Hearing of proceedings, for each of the following days, including a part of a day—		
	(a) the 2nd, 3rd or 4th day,	9.3	21.33
	(b) the 5th, 6th, 7th, 8th or 9th day,	14.94	37.05
	(c) the 10th day or a following day	30.09	73.12
Fees for publication of documents on NSW Online Registry website			
12	Notice of intention to apply for a grant of representation or a reseal of a grant of representation—		
	(a) first publication	0.48	—
	(b) republication	0.19	—
13	Notice of intended distribution—		
	(a) first publication	0.48	—
	(b) republication	0.19	—
14	Notice of application for passing accounts—		
	(a) first publication	0.48	—
	(b) republication	0.19	—

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee (in fee units)
Fees for other services			
15	Referring proceedings for arbitration under the Act, Part 5, Division 2	9.01	—
16	Preparing appeal papers, for each volume of not more than 250 pages the registrar orders to be printed	7.88	15.76
17	Copy of a will	0.64	—
18	Genealogical search on a probate file, for each file searched	1.25	—
19	Searching an application for a grant of representation or a reseal of a grant of representation, for each file searched	0.64	—
20	Lodging a caveat against an application for a grant of representation or reseal of a grant of representation	0.46	0.92
21	Adoption search, for each file searched	0.64	—
22	Registrar's certificate for a public notary's signature	0.64	—
23	Reissuing of a court document to a legally represented party because of the party's error	0.46	0.92

Part 2 Land and Environment Court

Note— Fees payable in relation to proceedings before the Land and Environment Court in Class 5, 6 or 7 of its jurisdiction are set out in the *Criminal Procedure Regulation 2017*, Schedule 2, Part 1.

1 Definitions

In this Part—

Class 1 means the class of jurisdiction of the Land and Environment Court specified in the *Land and Environment Court Act 1979*, section 17.

Class 2 means the class of jurisdiction of the Land and Environment Court specified in the *Land and Environment Court Act 1979*, section 18.

Class 3 means the class of jurisdiction of the Land and Environment Court specified in the *Land and Environment Court Act 1979*, section 19.

Class 4 means the class of jurisdiction of the Land and Environment Court specified in the *Land and Environment Court Act 1979*, section 20.

Class 8 means the class of jurisdiction of the Land and Environment Court specified in the *Land and Environment Court Act 1979*, section 21C.

2 Fees

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee (in fee units)
Filing fees—originating processes			
1	In Class 1, except as specified in item 2	9.96	19.92

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee (in fee units)
2	In Class 1, if the matter relates to an appeal under the <i>Environmental Planning and Assessment Act 1979</i> , section 8.7, and the value of the development is—		
	(a) less than \$500,000	9.96	19.92
	(b) \$500,000 or more but less than \$1,000,000	45.49	60.43
	(c) \$1,000,000 or more	56.83	75.48
3	In Class 2, except as specified in item 4	9.96	19.92
4	In Class 2, if the matter relates to an application under the <i>Trees (Disputes Between Neighbours) Act 2006</i>	2.59	5.18
5	In Class 3, except as specified in item 6 or 7	9.96	19.92
6	In Class 3, if—		
	(a) the matter relates to an appeal or objection against a valuation of land, and		
	(b) the value of the land, as determined by the respondent valuing authority, is—		
	(i) less than \$500,000	3.50	7
	(ii) \$500,000 or more but less than \$1,000,000	5.49	10.98
	(iii) \$1,000,000 or more	9.96	19.92
7	In Class 3, if—		
	(a) the matter relates to a claim for compensation because of the compulsory acquisition of land, as specified in the <i>Land and Environment Court Act 1979</i> , section 24, and		
	(b) the amount offered as compensation by the acquiring authority is—		
	(i) less than \$500,000	9.96	19.92
	(ii) \$500,000 or more but less than \$1,000,000	45.49	60.43
	(iii) \$1,000,000 or more	56.83	75.48
8	In Class 4	9.96	19.92
9	In Class 8, except as specified in item 10	9.96	19.92
10	In Class 8, if the matter relates to small-scale title within the meaning of the <i>Mining Act 1992</i>	2.59	5.18
	Filing fees—other		
11	Process to commence an appeal to the Land and Environment Court under the <i>Land and Environment Court Act 1979</i> , section 56A	23.14	46.28
12	Notice of motion	2.31	4.62

Part 3 District Court

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee (in fee units)
Filing fees			
1	Originating process, except as specified in item 2	9.07	18.15
2	Originating process for an appeal	2.92	5.84
3	Application for an order for the rehearing of proceedings under the Act, Part 5, Division 3	6.86	13.72
4	Notice of motion	1.49	2.98
Jury fees			
5	Filing a requisition for trial with a jury	12.13	24.26
6	Retaining a jury after the first day of a trial, for each day	5.49	10.98
Hearing allocation fees and hearing fees			
7	Allocating a date for hearing of proceedings	10.51	21.02
8	Hearing of proceedings, for each of the following days, including a part of a day—		
	(a) the 2nd, 3rd or 4th day	7.72	15.44
	(b) the 5th, 6th, 7th, 8th or 9th day	10.85	21.7
	(c) the 10th day or a following day	15.77	31.54
Fees for other services			
9	Referring proceedings to arbitration under the Act, Part 5, Division 2	8.97	—

Part 4 Local Court

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
Filing fees			
1	Originating process under the <i>Local Court Act 2007</i> , Part 3, in the Local Court sitting in its—		
	(a) General Division	3.0	Double the standard fee
	(b) Small Claims Division	1.45	Double the standard fee
2	Application notice under the <i>Local Court Act 2007</i> , Part 4	0.99	—
3	Application for an order for the rehearing of proceedings under the Act, Part 5, Division 3	4.55	Double the standard fee

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
4	Notice of appeal, or application for leave to appeal, to the District Court under the <i>Crimes (Appeal and Review) Act 2001</i> , Part 3, as applied to proceedings under the <i>Local Court Act 2007</i> , Part 4—		
	(a) for 1 notice or application	1.22	—
	(b) for more than 1 notice or application arising from the same court appearance	0.64	—
5	Notice of motion	0.92	Double the standard fee
Fees for other services			
6	Service, or attempted service, by the Court by post, for each address to which process is posted	0.45	—

Part 5 Miscellaneous court fees

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
Fees relating to subpoenas and notices to produce			
1	Issuing a subpoena for production, to give evidence, or both	1.09	Double the standard fee
2	Receipt by the registrar of a document or thing produced in compliance with a notice to produce under the <i>Uniform Civil Procedure Rules 2005</i> , Part 34	1.09	Double the standard fee
3	Request to the registrar to issue a notice to produce under the <i>Uniform Civil Procedure Rules 2005</i> , Part 34	1.09	Double the standard fee
Fees for administrative services			
4	Requesting production to the court of documents held by another court	0.64	Double the standard fee
5	Retrieving, providing access to and supplying a copy of a document, except as specified in items 6, 7 and 9—		
	(a) for up to 20 pages	0.13	—
	(b) for each 10 pages, or part of 10 pages, after the first 20 pages	0.07	—
6	Supplying 1 or more sealed or certified copies of—	0.64	—
	(a) a judgment or order, or		
	(b) the written opinion or reasons for opinion of a judicial or other officer of the court		

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
7	Retrieving and providing access to, but not supplying a copy of, a file or box of files, if the file or box of files is retrieved from an off-site storage facility—		
	(a) standard retrieval request	0.85	—
	(b) non-standard retrieval request, including a retrieval request—	0.85 plus the additional cost incurred by the court	—
	(i) of urgent, high or after hours priority, or		
	(ii) for delivery to or from a location outside the Sydney metropolitan area		
8	Application to the registrar by a non-party to the proceedings for leave to access the court file for the proceedings, if the file must be retrieved from an off-site storage facility	0.46	Double the standard fee
9	Supplying a copy of a transcript of proceedings—		
	(a) if the transcribed matter is less than 3 months old—		
	(i) for up to 8 pages	0.95	—
	(ii) for each following page	0.11	—
	(b) if the transcribed matter is 3 months old or older—		
	(i) for up to 8 pages	1.16	—
	(ii) for each following page	0.13	—
10	Supplying a duplicate recording of sound-recorded evidence, for each disc	0.55	—
11	Entering a judgment, order, determination, decree, adjudication or award in accordance with the Act, section 133	0.98	Double the standard fee
12	Civil litigation search, for each name of company or individual searched	0.46	Double the standard fee
13	Amending a document on the NSW Online Registry website, for each document amended	0.19	—
14	Opening or keeping open the registry or part of the registry—	7.81	Double the standard fee
	(a) on a Saturday, Sunday or public holiday, or		
	(b) on another day before 9am or after 5pm		
Fees for other services			
15	Providing an administrative service for which a fee is not otherwise imposed by this Schedule, if the registrar approves the charging of a fee	0.46	Double the standard fee

Part 6 Adjustment of court fees for inflation

1 Definitions

In this Part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

Secretary means the Secretary of the Department of Communities and Justice.

2 Calculation of fee unit for Regulation

(1) In this Regulation, a fee unit is—

- (a) in the financial year 2022–2023—\$103.05, and
- (b) in each subsequent financial year—the amount calculated as follows—

$$\$103.05 \times \frac{A}{B}$$

where—

A is the CPI number for the December quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the December quarter of 2021.

- (2) The amount of a fee unit is to be rounded to the nearest cent and an amount of 0.5 cent is to be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the December quarter is published by the Australian Bureau of Statistics, the Secretary is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.

Schedule 3 Amendment of Criminal Procedure Regulation 2017

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—
fee unit—see Schedule 2, Part 1A, clause 2(1).

[2] Clause 12 Amounts payable in relation to court proceedings

Insert after clause 12(1)—

- (1A) A fee specified in Schedule 2, Part 1 is expressed as a fee unit unless otherwise specified.

[3] Clause 12A

Insert after clause 12—

12A Annual adjustment of court fees—the Act, s 4A(1)(a) and (c)

The fee payable by a person in relation to court proceedings is to be adjusted for inflation in accordance with Schedule 2, Part 1A.

[4] Schedule 2 Fees

Omit “clauses 12 and 13”. Insert instead “clauses 12, 12A and 13”.

[5] Schedule 2, Part 1

Omit the Part. Insert instead—

Part 1 Court fees

Item	Matter for which fee payable	Fee (in fee units)
Filing fees		
1	Court attendance notice under the Act, Chapter 4, Part 2, Division 1 to commence proceedings to which Chapter 4 of that Act applies	0.99
2	Application under the Act, Chapter 4 to commence proceedings— (a) to which Chapter 4 of the Act, Part 5 applies, and (b) that are proceedings in Class 5 of the Land and Environment Court’s jurisdiction, as specified in the <i>Land and Environment Court Act 1979</i> , section 21	9.96
3	Application to commence summary proceedings brought in the District Court, other than proceedings brought by the secretary of an industrial organisation of employees	19.67
4	Application to the Local Court for annulment of a conviction or sentence under the <i>Crimes (Appeal and Review) Act 2001</i> , Part 2	0.99
5	Notice of appeal, or application for leave to appeal, to the District Court under the <i>Crimes (Appeal and Review) Act 2001</i> , Part 3— (a) in relation to 1 offence	1.22

Item	Matter for which fee payable	Fee (in fee units)
	(b) in relation to more than 1 offence arising from the same court appearance	1.91
6	Notice of appeal, or application for leave to appeal, to the Land and Environment Court under the <i>Crimes (Appeal and Review) Act 2001</i> , Part 4, for proceedings in Class 6 or 7 of the Court's jurisdiction, as specified in the <i>Land and Environment Court Act 1979</i> , sections 21A and 21B	9.96
7	Notice of appeal, or application for leave to appeal, to the Supreme Court under the <i>Crimes (Appeal and Review) Act 2001</i> , Part 5	11.69
Fees for administrative services		
8	Issuing a certificate of conviction or dismissal	0.64
9	Retrieving, providing access to and supplying a copy of a document, except as specified in item 10 or 11—	
	(a) for up to 20 pages	0.13
	(b) for each 10 pages, or part of 10 pages, after the first 20 pages	0.07
10	Retrieving and providing access to, but not supplying a copy of, a file or box of files, if the file or box of files is retrieved from an off-site storage facility—	
	(a) standard retrieval request	0.85
	(b) non-standard retrieval request, including a retrieval request—	0.85 plus the additional cost incurred by a court
	(i) of urgent, high or after-hours priority, and	
	(ii) for delivery to or from a location outside the Sydney metropolitan area	
11	Supplying a copy of a deposition or transcript, unless otherwise provided for under another Act—	
	(a) if the matter being transcribed is less than 3 months old—	
	(i) for up to 8 pages	0.95
	(ii) for each following page	0.11
	(b) if the matter being transcribed is 3 months old or older—	
	(i) for up to 8 pages	1.16
	(ii) for each following page	0.13
12	Supplying a duplicate recording of sound-recorded evidence—per disc	0.55

Part 1A Adjustment of court fees for inflation

1 Definitions

In this Part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of the index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for Regulation

- (1) In this Regulation, a fee unit is—
 - (a) in the financial year 2022–2023—\$103.05, and
 - (b) in each subsequent financial year—the amount calculated as follows—

$$\$103.05 \times \frac{A}{B}$$

where—

A is the CPI number for the December quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the December quarter of 2021.

- (2) The amount of a fee unit is to be rounded to the nearest cent and an amount of 0.5 cent is to be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the December quarter is published by the Australian Bureau of Statistics, the Secretary is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.

Schedule 4 Amendment of Dust Diseases Tribunal Regulation 2019

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—
fee unit—see Schedule 1, Part 2, clause 2(1).

[2] Clause 4 Fees payable in respect of Tribunal proceedings

Insert after clause 4(1)—

- (1A) A fee specified in Schedule 1, Part 1 is expressed as a fee unit unless otherwise specified.

[3] Clause 4A

Insert after clause 4—

4A Annual adjustment of fees—the Act, s 34

The fee payable by a person in relation to Tribunal proceedings is to be adjusted for inflation in accordance with Schedule 1, Part 2.

[4] Clause 8 Persons by and to whom fees payable

Omit “provided for by item 14 of Schedule 1” from clause 8(2).

Insert instead “specified in Schedule 1, Part 1, item 8”.

[5] Schedule 1

Omit the Schedule. Insert instead—

Schedule 1 Fees

clauses 4 and 4A

Part 1 Fees

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
Filing fees			
1	Initiating process	2.16	Double the standard fee
2	Cross-claim	2.16	Double the standard fee
3	Notice of motion	2.23	Double the standard fee
Hearing fees			
4	First directions hearing	8.61	Double the standard fee
Fees for issuing subpoenas			

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
5	For production	0.87	Double the standard fee
6	To give evidence	0.42	Double the standard fee
7	For production and to give evidence	0.87	Double the standard fee
Fees for administrative services			
8	Receipt by the registrar of a document or thing produced in compliance with a notice to produce under the <i>Uniform Civil Procedure Rules 2005</i> , Part 34	0.87	Double the standard fee
9	Retrieving, providing access to and supplying a copy of a document, except as specified in items 10–12—		
	(a) for up to 20 pages	0.13	—
	(b) for each 10 pages, or part of 10 pages, after the first 20 pages	0.07	—
10	Supplying a copy of the written opinion or reasons for opinion of a member of the Tribunal—		
	(a) for a printed copy	0.75	—
	(b) for another kind of copy	0.46	—
11	Supplying a copy of a transcript of proceedings—		
	(a) if the matter being transcribed is less than 3 months old—		
	(i) for up to 8 pages	0.92	—
	(ii) for each following page	0.11	—
	(b) if the matter being transcribed is 3 or more months old—		
	(i) for up to 8 pages	1.11	—
	(ii) for each following page	0.13	—
12	Retrieving and providing access to, but not supplying a copy of, a file or box of files in relation to proceedings before the Tribunal, if the file or box of files is retrieved from an off-site storage facility—		
	(a) standard retrieval request	0.85	—

	Column 1	Column 2	Column 3
Item	Matter for which fee payable	Standard fee (in fee units)	Corporation fee
	(b) non-standard retrieval request, including a retrieval request—	0.85 plus the additional cost incurred by the Tribunal	—
	(i) of urgent, high or after hours priority, or		
	(ii) for delivery to or from a location outside the Sydney metropolitan area		
13	Supplying 1 or more sealed or certified copies of a judgment or order of the Tribunal	0.75	—
14	Supplying a duplicate recording of sound-recorded evidence, for each disc	0.56	—
15	Requesting production to the court of documents held by another court	0.64	Double the standard fee
16	Opening or keeping open the registry or part of the registry—		
	(a) on a Saturday, Sunday or public holiday	7.64	Double the standard fee
	(b) on another day—		
	(i) before 8.30am or after 4.30pm	7.64	Double the standard fee
	(ii) between 8.30am and 9am or 4pm and 4.30pm	0.8	Double the standard fee
Fees for other services			
17	Providing a service in respect of proceedings before the Tribunal for which a fee is not otherwise provided for in this Schedule, if the registrar approves the charging of a fee	0.45	Double the standard fee

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for Regulation

(1) In this Regulation, a fee unit is—

- (a) in the financial year 2022–2023—\$103.05, and
- (b) in each subsequent financial year—the amount calculated as follows—

$$\$103.05 \times \frac{A}{B}$$

where—

A is the CPI number for the December quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the December quarter of 2021.

- (2) The amount of a fee unit is to be rounded to the nearest cent and an amount of 0.5 cent is to be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the December quarter is published by the Australian Bureau of Statistics, the Secretary of the Department of Communities and Justice is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.

Schedule 5 Amendment of Succession Regulation 2020

[1] Section 3 Definitions

Insert in alphabetical order in Schedule 1, clause 2(1)—

fee unit—see section 5(1).

[2] Section 4

Omit the section. Insert instead—

4 Fee for deposit of a will—the Act, s 51

- (1) For the Act, section 51(3), the prescribed fee is 1.37 fee units.
- (2) The prescribed fee is to be adjusted for inflation in accordance with Schedule 1.

[3] Schedule 1

Insert after section 6—

Schedule 1 Adjustment of prescribed fee for inflation

section 4

1 Definitions

In this Schedule—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

Secretary means the Secretary of the Department of Communities and Justice.

2 Calculation of fee unit for Regulation

- (1) In this Regulation, a fee unit is—
 - (a) in the financial year 2022–2023—\$103.05, and
 - (b) in each subsequent financial year—the amount calculated as follows—

$$\$103.05 \times \frac{A}{B}$$

where—

A is the CPI number for the December quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the December quarter of 2021.

- (2) The amount of a fee unit is to be rounded to the nearest cent and an amount of 0.5 cent is to be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the December quarter is published by the Australian Bureau of Statistics, the Secretary is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.