



New South Wales

Industrial Relations (General) Amendment (Fees) Regulation 2008

under the

Industrial Relations Act 1996

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

JOHN WATKINS, M.P.,
Acting Minister for Industrial Relations

Explanatory note

The object of this Regulation is to amend the *Industrial Relations (General) Regulation 2001*:

- (a) to increase certain fees that the Industrial Relation Commission charges, and
- (b) to ensure that certain fees are chargeable to the Crown and any person acting on behalf of the Crown, and
- (c) to effect minor law revision.

This Regulation is made under the *Industrial Relations Act 1996*, including section 183 (Regulations relating to fees).

2008 No 321

Clause 1 Industrial Relations (General) Amendment (Fees) Regulation 2008

Industrial Relations (General) Amendment (Fees) Regulation 2008

under the

Industrial Relations Act 1996

1 Name of Regulation

This Regulation is the *Industrial Relations (General) Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 August 2008.

3 Amendment of Industrial Relations (General) Regulation 2001

The *Industrial Relations (General) Regulation 2001* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

Industrial Court means the Industrial Court of New South Wales as referred to in section 151A of the Act.

[2] Clause 23G Circumstances in which fees not chargeable

Omit “Fund.” from clause 23G (1) (c). Insert instead:

Fund,
unless Schedule 1 expressly so provides.

[3] Clause 43 Industrial Magistrate—civil procedure

Omit “Commission in Court Session” from clause 43 (1).

Insert instead “Industrial Court”.

[4] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Commission fees

(Clause 23A)

Fees for proceedings before Commission sitting as the 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	\$718	\$1,436
2 Filing notice of leave to appeal to the Full Bench of the Industrial Court 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	\$797	\$1,594

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Schedule 1 Amendments

Fees for proceedings before Commission sitting as the Industrial Court

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
3 Filing an application for an order under section 246 of the <i>Criminal Procedure Act 1986</i> in respect of an offence taken before the Industrial Court: (a) under section 397 (1) (b) of the <i>Industrial Relations Act 1996</i> , or (b) under section 105 (1) (b) of the <i>Occupational Health and Safety Act 2000</i>	\$718	\$1,436
4 Filing notice of leave to appeal to the Full Bench of the Industrial Court under section 197 (1) (a), (b) or (c) of the Act in respect of a decision of a Local Court	\$212	\$424
5 Filing a notice of motion under Rule 68 of the IRC Rules 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 to the Full Bench of the Industrial Court 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 (c) proceedings for an offence taken before the Industrial Court: (i) under section 397 (1) (b) of the <i>Industrial Relations Act 1996</i> , or (ii) under section 105 (1) (b) of the <i>Occupational Health and Safety Act 2000</i> (d) proceedings on an appeal to the Full Bench of the Industrial Court under section 197 (1) (a), (b) or (c) of the Act in respect of a decision of a Local Court	\$165	\$330

Fees for proceedings before Commission sitting as the Industrial Court

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
6 For allocation of a date for hearing in relation to:	\$1,370	\$2,740
(a) proceedings under Division 2 of Part 9 of Chapter 2, or		
(b) proceedings on an appeal to the Full Bench of the Industrial Court 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		
7 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	\$255	\$510
Note. For the purposes of this item, a half day comprises a period of 3 hours or less, such period to include any adjournment of less than half an hour.		

Fees for proceedings before Commission (otherwise than sitting as the 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	\$62	—
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 Part 6 of Chapter 2 of the Act	\$212	\$424

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Issuing a summons for production, or for production and to give evidence	\$62	\$124
2 Issuing a summons to give evidence	\$31	\$62

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Schedule 1 Amendments

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
3 Opening or keeping open the registry or part of the registry:		
(a) on a Saturday, Sunday or public holiday, or	\$570	\$1,140
(b) on any other day:		
(i) before 8.30am or after 4.30pm	\$570	\$1,140
(ii) between 8.30am and 9.00am or between 4.00pm and 4.30pm	\$60	\$120
4 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	\$62	\$124
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.		
5 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	\$35	\$70
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.		
6 Making a copy of any document (otherwise than as provided for by items 4 and 5)	\$10, plus an additional \$2 per page after the first 5 pages	—
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 Director-General of the Department of Commerce, or the President of the Anti-Discrimination Board, has authorised the making of such a copy without charge.		

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
<p>7 Supplying a duplicate tape recording of sound-recorded evidence</p> <p>Note 1. Except as provided in Note 2, fees under this item are chargeable:</p> <p>(a) to the Crown or any person acting on behalf of the Crown, and</p> <p>(b) to an industrial organisation or association registered under Chapter 5 of the Act.</p> <p>Note 2. Fees under this item are not chargeable to any person to whom the Director-General of the Department of Commerce, or the President of the Anti-Discrimination Board, has authorised the supply of such a recording without charge.</p>	\$40 per cassette	—
<p>8 Supplying a copy of the transcript of any proceedings:</p> <p>(a) where the matter being transcribed is under 3 months old</p> <p>(b) where the matter being transcribed is 3 months old or older</p> <p>Note 1. Except as provided in Note 2, fees under this item are chargeable:</p> <p>(a) to the Crown or any person acting on behalf of the Crown, and</p> <p>(b) to an industrial organisation or association registered under Chapter 5 of the Act.</p> <p>Note 2. Fees under this item are not chargeable to any person to whom the Director-General of the Department of Commerce, or the President of the Anti-Discrimination Board, has authorised the supply of such a copy without charge.</p>	<p>\$73, plus an additional \$8.90 per page after the first 8 pages</p> <p>\$89, plus an additional \$10.20 per page after the first 8 pages</p>	—
9 For retrieval from archives of any document or file	\$62	\$124

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Schedule 1 Amendments

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
10 Providing any service for which a fee is not otherwise imposed by this Schedule Note. A fee may not be imposed under this item except with the approval of the Industrial Registrar.	\$33	\$66

BY AUTHORITY