



New South Wales

# Industrial Relations (General) Amendment (Fees) Regulation 2024

under the

Industrial Relations Act 1996

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

Minister for Industrial Relations

## Explanatory note

The object of this regulation is to insert additional fees and increase existing fees payable under the *Industrial Relations (General) Regulation 2020*, including fees payable in relation to the recently re-established Industrial Court.

This regulation is made under the *Industrial Relations Act 1996*, including sections 183 and 407, the general regulation-making power.

## **Industrial Relations (General) Amendment (Fees) Regulation 2024**

under the

Industrial Relations Act 1996

### **1 Name of regulation**

This regulation is the *Industrial Relations (General) Amendment (Fees) Regulation 2024*.

### **2 Commencement**

This regulation commences on 1 July 2024.

## Schedule 1 Amendment of Industrial Relations (General) Regulation 2020

### [1] Clause 23 Payment of hearing allocation fees

Insert after clause 23(4)—

- (5) A hearing allocation fee is not payable in relation to the following—
- (a) a hearing for a small claims application under the Act, section 379,
  - (b) a hearing for small claims proceedings under the *Fair Work Act 2009* of the Commonwealth, Chapter 4.

### [2] Clause 24 Payment of hearing fees

Insert after clause 24(5)—

- (6) A hearing fee is not payable in relation to the following—
- (a) a hearing for a small claims application under the Act, section 379,
  - (b) a hearing for small claims proceedings under the *Fair Work Act 2009* of the Commonwealth, Chapter 4.

### [3] Clause 26 Circumstances in which fees not chargeable

Insert after clause 26(5)—

- (6) Fees specified in Schedule 1, Part 3, item 3, 4 or 9 are not chargeable in circumstances specified in a note to the item.

### [4] Schedule 1

Omit the schedule. Insert instead—

## Schedule 1 Commission fees

clause 20

### Part 1 Filing fees

Column 1		Column 2	Column 3
Item	Matter	Standard fee	Corporation fee
Commission in Court Session—general			
1	Originating process, except as specified in items 2, 3 and 4	\$1,351	\$3,699
2	Originating process for an application to commence summary proceedings other than proceedings brought by the secretary of an industrial organisation of employees	\$2,370	—
3	Originating process for a small claims application under the Act, section 379	\$285	—
4	Originating process for an application under the <i>Fair Work Act 2009</i> of the Commonwealth, Chapter 4—		

Column 1		Column 2	Column 3
Item	Matter	Standard fee	Corporation fee
	(a) in small claims proceedings	\$285	—
	(b) otherwise	\$785	\$1,890
5	Notice of motion	\$748	\$1,496
Commission in Court Session—appeals to Full Bench			
6	Summons seeking leave to appeal and notice of appeal or cross-summons seeking leave to appeal and notice of appeal—		
	(a) in proceedings for a small claims application under the Act, section 379 or in small claims proceedings under the <i>Fair Work Act 2009</i> of the Commonwealth, Chapter 4	\$1,381	\$2,703
	(b) otherwise	\$4,495	\$9,119
Commission not in Court Session			
7	Application under the Act, section 84	\$95	—

## Part 2 Hearing allocation fees and hearing fees

Column 1		Column 2	Column 3
Item	Matter	Standard fee	Corporation fee
Commission in Court Session			
1	Allocating a date for the hearing of proceedings	\$2,697	\$6,163
2	Hearing of proceedings, for each of the following days, including a part of a day—		
	(a) the 2nd, 3rd or 4th day,	\$1,074	\$2,434
	(b) the 5th, 6th, 7th, 8th or 9th day,	\$1,728	\$4,283
	(c) the 10th day or a following day	\$3,478	\$8,452

## Part 3 Miscellaneous fees

Column 1		Column 2	Column 3
Item	Matter	Standard fee	Corporation fee
1	Issuing a summons for production, or to give evidence, or both	\$126	\$252
2	Opening or keeping open the registry or part of the registry—		

Column 1		Column 2	Column 3
Item	Matter	Standard fee	Corporation fee
	(a) on a Saturday, Sunday or public holiday, or	\$903	\$1,806
	(b) otherwise—		
	(i) before 8:30am or after 4:30pm, or	\$903	\$1,806
	(ii) between 8:30am and 9am or between 4pm and 4:30pm	\$98	\$196
3	Supplying a certified copy of—	\$74	—
	(a) a judgment or order, or		
	(b) the written opinion or reasons for opinion of a member of the Commission or the Industrial Registrar		
	<b>Note—</b> Fees under this item are not chargeable to a party to proceedings for the first copy supplied to the party.		
4	Supplying an uncertified copy of—	\$54	\$108
	(a) a judgment or order, or		
	(b) the written opinion or reasons for opinion of a member of the Commission or the Industrial Registrar		
	<b>Note—</b> Fees under this item are not chargeable to a party to proceedings for the first copy supplied to the party.		
5	Supplying a copy of a document, otherwise than as provided for by items 3 and 4—		
	(a) for up to 20 pages	\$15	—
	(b) for each 10 pages, or part of 10 pages, after the first 20 pages	\$8	—
	<b>Note 1—</b> Except as provided in Note 2, fees under this item are chargeable—		
	(a) to the Crown or a person acting on behalf of the Crown, and		
	(b) to an industrial organisation or association registered under the Act, Chapter 5.		
	<b>Note 2—</b> Fees under this item are not chargeable to a person if the Secretary of the Treasury or the President of the Anti-Discrimination Board has authorised making the copy without charge.		
6	Supplying a duplicate recording of sound-recorded evidence, per compact disc	\$64	—

Column 1		Column 2	Column 3
Item	Matter	Standard fee	Corporation fee
	<p><b>Note 1</b>— Except as provided in Note 2, fees under this item are chargeable—</p> <p>(a) to the Crown or a person acting on behalf of the Crown, and</p> <p>(b) to an industrial organisation or association registered under the Act, Chapter 5.</p> <p><b>Note 2</b>— Fees under this item are not chargeable to a person if the Secretary of the Treasury or the President of the Anti-Discrimination Board has authorised supplying the recording without charge.</p>		
7	<p>Supplying a copy of a transcript of proceedings—</p> <p>(a) if the transcribed matter is less than 3 months old—</p> <p style="padding-left: 20px;">(i) for up to 8 pages</p> <p style="padding-left: 20px;">(ii) for each following page</p> <p>(b) if the transcribed matter is 3 months old or older—</p> <p style="padding-left: 20px;">(i) for up to 8 pages</p> <p style="padding-left: 20px;">(ii) for each following page</p> <p><b>Note 1</b>— Except as provided in Note 2, fees under this item are chargeable—</p> <p>(a) to the Crown or a person acting on behalf of the Crown, and</p> <p>(b) to an industrial organisation or association registered under the Act, Chapter 5.</p> <p><b>Note 2</b>— Fees under this item are not chargeable to a person if the Secretary of the Treasury or the President of the Anti-Discrimination Board has authorised supplying the copy without charge.</p>	<p>\$115</p> <p>\$13</p> <p>\$134</p> <p>\$15</p>	<p>—</p> <p>—</p> <p>—</p> <p>—</p>
8	Retrieving archives of a document or file, per file or box of files	\$98	—
9	Providing a service for which a fee is not otherwise imposed by this schedule	\$53	\$106
	<p><b>Note</b>— A fee may not be imposed under this item except with the approval of the Industrial Registrar.</p>		