

DUST DISEASES TRIBUNAL

Contact:	Registry
Address:	88 Goulburn Street Sydney NSW 2000
Telephone:	02 9377 5440
Facsimile:	02 9377 5433
Website:	http://www.lawlink.nsw.gov.au/ddt
E-mail:	n/a
Fee Exemption:	No.
Fee Waiver:	Yes. Postponement and/or Waiver for pro bono schemes, pensioners, community legal centre assisted parties, and on application to the Registrar.

Fees of the Dust Diseases Tribunal

Application fees are set out in regulation 4 and schedule 1 of the *Dust Diseases Tribunal Regulation 2001* including filing, subpoena issue and copying fees.

Fee Exemption

There are no categories of fee exemption in the Dust Diseases Tribunal.

Fee Waiver/Postponement

Under regulation 6 and 7 of the *Dust Diseases Tribunal Regulation 2001*, in certain circumstances any fee payable may be postponed until after judgment, and depending on the judgment may not be payable at all.

The taking of filing fees is to be postponed until the judgement if the process is filed by or on behalf of:

- a “pro bono party” to the proceedings
- a “pensioner party” to the proceedings
- a “legally assisted party” to the proceedings.

A “Pro Bono Party to proceedings” is someone represented under the pro bono scheme of the Law Society of New South Wales or the pro bono scheme of the NSW Bar Association, where the solicitor or barrister;

- a. certifies, in writing, to the Registrar or clerk, that the party is being so represented, and
- b. undertakes to pay the fee, if at the conclusion of the proceedings they are required under the regulation.

A party to proceedings is a "pensioner party" if he or she is the holder of any card issued by the Commonwealth Government that entitles the holder to Commonwealth health concessions.

A party to proceedings is a "legally assisted party" if he or she is receiving legal assistance through a community legal centre within the meaning of section 48H of the *Legal Profession Act 1987*

The fee must be remitted, if taken from a party that satisfies the regulations and is entitled to a waiver.

If the applicant does not fall into one of the above categories, under regulation 9 of the *Dust Diseases Tribunal Regulation 2001*, provision is made for the Registrar to waive the whole or any part of a fee subject to any conditions.

Procedure

All parties requesting waiver or postponement must complete a Request form. The Dust Diseases Tribunal uses the same forms as the Supreme Court. A copy of the General Form is attached (3 pages). The form can be located online at [http://www.lawlink.nsw.gov.au/lawlink/spu/ll_ucpr.nsf/vwFiles/01%20General%20form.doc/\\$file/01%20General%20form.doc](http://www.lawlink.nsw.gov.au/lawlink/spu/ll_ucpr.nsf/vwFiles/01%20General%20form.doc/$file/01%20General%20form.doc)

Additional documentary evidence will be required to support the application. The form must be forwarded to the Registrar for decision.

To update this manual:

Visit 'Fees and Forms' on the Dust Diseases Tribunal's website.

http://www.lawlink.nsw.gov.au/lawlink/ddt/ll_ddt.nsf/pages/DDT_fees_forms

[TITLE OF FORM]

COURT DETAILS

Court

**Division

**List

Registry

Case number

TITLE OF PROCEEDINGS

First plaintiff

**Number of plaintiffs

First defendant

**Number of defendants

FILING DETAILS

Filed for

Address

[BODY OF FORM]

SIGNATURE

Signature of solicitor, authorised
person for [role of party] or [role of
party]

Name

**Solicitor for [role of party]

**Authorised person for [role of party]

**[Role of party]

Date

[On separate page]

PARTY DETAILS

Parties to the proceedings

PLAINTIFFS

[Name]
[First] plaintiff

[Name]
[Second] plaintiff

DEFENDANTS

[Name]
[First] defendant

[Name]
[Second] defendant

HOW TO COMPLETE THIS FORM

USE THIS FORM IF THERE IS NO APPROVED FORM FOR THE DOCUMENT YOU WISH TO PREPARE.

THESE INSTRUCTIONS ARE NOT TO BE FILED

Do not include any information about the proceedings on this part of the form.

**** OPTIONAL INFORMATION**

Some information in this form may not be relevant to your proceedings. An item marked with ** may be omitted if it is not relevant to your proceedings.

COURT DETAILS / TITLE OF PROCEEDINGS

Copy this information from the originating process.

FILING DETAILS

If the person for whom the document is to be filed is already a party in the proceedings, the person is to be described by their role in proceedings.

If the person for whom the document is to be filed is not a party in the proceedings, include the person's name. Information about the person should also be included in the section of the form containing further information about persons who are not parties to the proceedings.

Include the address of the party or person for whom the form is being filed.

The address of the party must be the same as the party's address for service, unless the party files a notice of change of address for service.

The following information should be included if the form is being filed by the solicitors for a party.

Address	[Name of firm] Solicitors [ACN if relevant] [Street address] [DX address] [Telephone number] [Fax number] [Email address] [Court user number if relevant] [Solicitor's file reference]
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[BODY OF FORM]

Include an appropriate title. State concisely the substance of the form using numbered paragraphs if appropriate.

SIGNATURE

This form must be signed by:

- The solicitor for the party
- If the party does not have a solicitor, an authorised person, or the party.

If a solicitor or authorised person is signing the form, include information about the capacity in which the person is signing the form eg. Solicitor for the first defendant.

PARTY DETAILS

This information must be on a separate page. List the name and role of each plaintiff and each defendant.