

South Australia

# **Environment, Resources and Development Court (Fees) Regulations 2019**

under the *Environment, Resources and Development Court Act 1993*

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## **1—Short title**

These regulations may be cited as the *Environment, Resources and Development Court (Fees) Regulations 2019*.

## **2—Commencement**

These regulations come into operation on 1 July 2019.

## Schedule 1—Fees under *Environment, Resources and Development Court Act 1993*

### Part 1—Preliminary

#### 1—Interpretation

- (1) In these regulations unless the contrary intention appears—  
*Act* means the *Environment, Resources and Development Court Act 1993*.
- (2) For the purposes of this Schedule, unless the contrary intention appears, words and expressions used in this Schedule have the same respective meanings as in the Act.

#### 2—Fees

- (1) The fees set out in Part 2 Division 1 are payable to the Court for proceedings before the Court (other than proceedings involving a native title question or criminal proceedings).
- (2) The fees set out in Part 2 Division 2 are payable to the Court for proceedings before the Court involving a native title question.
- (3) The fees that are payable for criminal proceedings before the Court will be the fees that are from time to time set under the *Magistrates Court Act 1991* for the purposes of proceedings in the Criminal Division of the Magistrates Court.

### Part 2—General fees for purposes of Act

#### Division 1—Fees in general jurisdiction

1	On filing or lodging any application or initiating any appeal or other proceedings, other than— <ol style="list-style-type: none"><li>(a) an interlocutory application under the rules of the Court; or</li><li>(b) an application that relates to a building dispute to which section 86(5) of the <i>Development Act 1993</i> applies; or</li><li>(c) an application to the Court for a consent judgment</li></ol>	\$248.00
2	On an application by a party to proceedings for the issue of a summons	\$52.00
3	Court fee payable by an applicant where the application relates to a building dispute to which section 86(5) of the <i>Development Act 1993</i> applies	\$408.00
4	Court fee payable by the applicant or appellant if a matter proceeds to a hearing	\$272.00
5	For each request to inspect any material under section 47(1) of the Act	\$25.30
6	For a copy of a transcript of evidence <ol style="list-style-type: none"><li>(a) per page in electronic form</li><li>(b) per page in hard-copy form</li></ol>	\$8.50 \$10.90
7	Except where clause 8 applies, for a copy of any documentary material admitted into evidence—per page	\$8.50

8	For a copy of any photograph, map, plan or other document which is greater than A4 in size	\$8.50 per page, or the actual cost of copying (whichever is greater)
9	For a copy of any decision or order given or made by the Court—per page	\$8.50
	<b>Note—</b>	
	A party to proceedings is entitled to 1 copy of any decision or order given or made by the Court without charge.	
10	For a copy of any other document for which a fee has not been fixed under any other clause—per page	\$5.10
11	For opening Registry (or Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour	\$135.00

## **Division 2—Fees in proceedings involving native title**

### **1—Applications or notices commencing proceedings**

On filing or lodging an application or initiating an appeal commencing proceedings involving a native title question other than a request for mediation	\$751.00
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#### **Examples—**

- (a) an application for registration of a claim to native title in land
- (b) an application for a native title declaration
- (c) an application for variation or revocation of a native title declaration
- (d) an application for a summary determination authorising mining operations on native title land (including under the expedited procedure)
- (e) an appeal against a decision of the Minister to prohibit registration of a native title mining agreement
- (f) an application for a determination of the Court made under an Act authorising a person to enter native title land and carry out operations on the land or to acquire native title land
- (g) an application for review of compensation provisions of determination following native title declaration.

### **2—Other applications**

On filing or lodging any other application in proceedings involving a native title question	\$52.00
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### **3—Inspection and copies of evidentiary material**

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| (a) for each request to inspect material under section 47(1) of the Act   | \$25.30 |
| (b) for a copy of a transcript of evidence, documentary material admitted into evidence, or a decision or order of the Court supplied under section 47(3) of the Act— |         |
| (i) per A4 page (or smaller) in electronic form   | \$8.50  |
| (ii) per A4 page (or smaller) in hard-copy form   | \$10.90 |
| (iii) per page that is greater in size than A4 in electronic form   | \$8.50  |

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| (iv) per page that is greater in size than A4 in hard-copy form  | \$10.90 or the actual cost of copying (whichever is greater) |
| (c) for a copy of any other document for which a fee has not been charged under paragraph (b)—per page | \$5.10   |

**Note—**

A party to proceedings is entitled to 1 copy of any decision or order given or made by the Court without charge.

**4—Opening Registry after hours**

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| For opening a Registry, or a Registry remaining open, after hours for urgent execution of process—for each hour or part of an hour | \$135.00 |
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**Schedule 2—Revocation of *Environment, Resources and Development Court (Fees) Regulations 2018***

The *Environment, Resources and Development Court (Fees) Regulations 2018* are revoked.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2019	98	<i>Gazette 13.6.2019 p1928</i>	1.7.2019: r 2