

South Australia

**ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT (NATIVE
TITLE) REGULATIONS 1995**

**REGULATIONS UNDER THE ENVIRONMENT, RESOURCES AND DEVELOPMENT
COURT ACT 1993**

*Environment, Resources and Development Court (Native Title)
Regulations 1995*

being

No. 193 of 1995: *Gaz.* 12 October 1995, p. 1098¹

as varied by

No. 68 of 1996: *Gaz.* 9 May 1996, p. 2469²

No. 70 of 1997: *Gaz.* 13 May 1997, p. 1846³

No. 55 of 1998: *Gaz.* 28 May 1998, p. 2299⁴

No. 125 of 1999: *Gaz.* 24 June 1999, p. 3278⁵

No. 58 of 2000: *Gaz.* 25 May 2000, p. 2713⁶

- ¹ Come into operation 17 June 1996: reg. 2.
- ² Came into operation 9 May 1996: reg. 2.
- ³ Came into operation 1 July 1997: reg. 2.
- ⁴ Came into operation 1 July 1998: reg. 2.
- ⁵ Came into operation 1 July 1999: reg. 2.
- ⁶ **Came into operation 1 July 2000: reg. 2.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

3.

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Interpretation
4. Commonwealth Minister to be consulted about appointment of native title commissioners
5. Fees

SCHEDULE

Fees

APPENDIX

LEGISLATIVE HISTORY

Citation

1. These regulations may be cited as the *Environment, Resources and Development Court (Native Title) Regulations 1995*.

Commencement

2. These regulations will come into operation on the day on which the *Environment, Resources and Development Court (Native Title) Amendment Act 1994* comes into operation.

Interpretation

3. In these regulations—

"Act" means the *Environment, Resources and Development Act 1993*.

Commonwealth Minister to be consulted about appointment of native title commissioners

4. For the purposes of section 10(2b) of the Act, the Minister for Aboriginal and Torres Strait Islander Affairs for the Commonwealth is designated as the Commonwealth Minister.

Fees

5. The fees set out in the schedule are payable to the Court in relation to proceedings before the Court involving a native title question (to the exclusion of fees payable under the *Environment, Resources and Development Court Regulations 1993*).

SCHEDULE
Fees

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 \$339

Examples—

- an application for registration of a claim to native title in land
- an application for a native title declaration
- an application for variation or revocation of a native title declaration
- an application for a summary determination authorising mining operations on native title land (including under the expedited procedure)
- an appeal against a decision of the Minister to prohibit registration of a native title mining agreement
- 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
- 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 \$23.50

3 Inspection and copies of evidentiary material

(a) for each request to inspect material under section 47(1) of the Act \$8.20

(b) for a copy of a transcript of evidence, documentary material admitted into evidence, or a decision or order of the Court¹ supplied under section 47(3) of the Act

- per A4 page (or smaller) \$4.70
- per page that is greater in size than A4 \$4.70 or the actual cost of copying (whichever is the greater)

¹ A party to proceedings is entitled to one copy of a decision or order of the Court made in the proceedings without charge.

(c) for a plain or office copy of any other document for which a fee has not been charged under paragraph (b) \$2 per page

4 Opening Registry after hours

For opening a Registry, or a Registry remaining open, after hours for urgent execution of process \$61 per hour or part of an hour

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulation 4:	varied by 68, 1996, reg. 3
Schedule	
Clause 1:	varied by 70, 1997, reg. 3(a); 55, 1998, reg. 3(a); 125, 1999, reg. 3; 58, 2000, reg. 3(a)
Clause 2:	varied by 70, 1997, reg. 3(b); 55, 1998, reg. 3(b); 58, 2000, reg. 3(b)
Clause 3:	varied by 70, 1997, reg. 3(c); 55, 1998, reg. 3(c), (d); 58, 2000, reg. 3(c)
Clause 4:	varied by 70, 1997, reg. 3(d); 55, 1998, reg. 3(e); 58, 2000, reg. 3(d)