

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. 1098<sup>1</sup>

as varied by

- No. 68 of 1996: *Gaz.* 9 May 1996, p. 2469<sup>2</sup>  
No. 70 of 1997: *Gaz.* 13 May 1997, p. 1846<sup>3</sup>  
No. 55 of 1998: *Gaz.* 28 May 1998, p. 2299<sup>4</sup>  
No. 125 of 1999: *Gaz.* 24 June 1999, p. 3278<sup>5</sup>  
No. 58 of 2000: *Gaz.* 25 May 2000, p. 2713<sup>6</sup>  
**No. 45 of 2001: *Gaz.* 31 May 2001, p. 1945<sup>7</sup>**

- <sup>1</sup> Come into operation 17 June 1996: reg. 2.  
<sup>2</sup> Came into operation 9 May 1996: reg. 2.  
<sup>3</sup> Came into operation 1 July 1997: reg. 2.  
<sup>4</sup> Came into operation 1 July 1998: reg. 2.  
<sup>5</sup> Came into operation 1 July 1999: reg. 2.  
<sup>6</sup> Came into operation 1 July 2000: reg. 2.  
<sup>7</sup> **Came into operation 1 July 2001: 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 . . . . . \$350

*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 . . . . . \$24.20

**3 Inspection and copies of evidentiary material**

(a) for each request to inspect material under section 47(1) of the Act . . . . . \$8.50

(b) for a copy of a transcript of evidence, documentary material admitted into evidence, or a decision or order of the Court<sup>1</sup> 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)

<sup>1</sup> 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) . . . . . \$2.10 per page

**4 Opening Registry after hours**

For opening a Registry, or a Registry remaining open, after hours for urgent execution of process . . . . . \$63 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
<b>Schedule</b>	
<b>Clause 1:</b>	<b>varied by</b> 70, 1997, reg. 3(a); 55, 1998, reg. 3(a); 125, 1999, reg. 3; 58, 2000, reg. 3(a); <b>45, 2001, reg. 3(a)</b>
<b>Clause 2:</b>	<b>varied by</b> 70, 1997, reg. 3(b); 55, 1998, reg. 3(b); 58, 2000, reg. 3(b); <b>45, 2001, reg. 3(b)</b>
<b>Clause 3:</b>	<b>varied by</b> 70, 1997, reg. 3(c); 55, 1998, reg. 3(c), (d); 58, 2000, reg. 3(c); <b>45, 2001, reg. 3(c), (d)</b>
<b>Clause 4:</b>	<b>varied by</b> 70, 1997, reg. 3(d); 55, 1998, reg. 3(e); 58, 2000, reg. 3(d); <b>45, 2001, reg. 3(e)</b>