

South Australia

# **Environment, Resources and Development Court Regulations 2005**

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

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Legislative history

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### **1—Short title**

These regulations may be cited as the *Environment, Resources and Development Court Regulations 2005*.

### **2—Commencement**

These regulations will come into operation on 1 July 2005.

### **3—Interpretation**

In these regulations—

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

### **4—Commonwealth Minister to be consulted about appointment of native title commissioners**

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.

## 5—Interest rate

For the purposes of section 40(1) of the Act, the prescribed rate of interest is 10 per cent per annum.

## 6—Fees

- (1) The fees set out in Schedule 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 Schedule 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.

## Schedule 1—Fees in general jurisdiction

|    |   |  |
|----|---|--|
| 1  | On filing or lodging any application or initiating any appeal or other proceedings, other than—   | \$72.50  |
|    | (a) an interlocutory application under the rules of the Court; or   |  |
|    | (b) an application that relates to a building dispute to which section 86(5) of the <i>Development Act 1993</i> applies; or                             |  |
|    | (c) an application to the Court for a consent judgment  |  |
| 2  | On an application by a party to proceedings for the issue of a summons  | \$28.00  |
| 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 | \$220.00   |
| 4  | Court fee payable by the applicant or appellant if a matter proceeds to a hearing   | \$147.00   |
| 5  | For each request to inspect any material under section 47(1) of the Act   | \$9.80   |
| 6  | For a copy of a transcript of evidence  | \$5.00 per page  |
| 7  | Except where clause 8 applies, for a copy of any documentary material admitted into evidence  | \$5.00 per page  |
| 8  | For a copy of any photograph, map, plan or other document which is greater than A4 in size  | \$5.00 per page, or the actual cost of copying, whichever is the greater |
| 9  | For a copy of any decision or order given or made by the Court  | \$5.00 per page  |
|    | <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  | \$2.30 per page  |
| 11 | For opening Registry (or Registry remaining open) after hours for urgent execution of process   | \$72.50 per hour or part of an hour                                      |

## Schedule 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 \$404.00

#### 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 \$28.00

### 3—Inspection and copies of evidentiary material

- (a) for each request to inspect material under section 47(1) of the Act \$9.80
- (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) \$5.00
  - (ii) per page that is greater in size than A4 \$5.00 or the actual cost of copying (whichever is the greater)
- (c) for a copy of any other document for which a fee has not been charged under paragraph (b) \$2.30 per page

#### 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

For opening a Registry, or a Registry remaining open, after hours for urgent execution of process \$72.50 per hour or part of an hour

## **Schedule 3—Revocation of regulations**

### **1—Revocation of *Environment, Resources and Development Court Regulations 1993***

The *Environment, Resources and Development Court Regulations 1993* are revoked.

### **2—Revocation of *Environment, Resources and Development Court (Native Title) Regulations 1995***

The *Environment, Resources and Development Court (Native Title) Regulations 1995* are revoked.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Principal regulations and variations

New entries appear in bold.

| Year | No  | Reference                      | Commencement  |
|------|-----|--------------------------------|---------------|
| 2005 | 103 | <i>Gazette 26.5.2005 p1541</i> | 1.7.2005: r 2 |
| 2006 | 144 | <i>Gazette 15.6.2006 p1893</i> | 1.7.2006: r 2 |