

South Australia

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

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 Regulations 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—   | \$231.00  |
|    | (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  | \$48.50   |
| 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 | \$381.00  |
| 4  | Court fee payable by the applicant or appellant if a matter proceeds to a hearing   | \$253.00  |
| 5  | For each request to inspect any material under section 47(1) of the Act   | \$23.60   |
| 6  | For a copy of a transcript of evidence  |   |
|    | (a) per page in electronic form   | \$7.90  |
|    | (b) per page in hard-copy form  | \$10.20   |
| 7  | Except where clause 8 applies, for a copy of any documentary material admitted into evidence—per page   | \$7.90  |
| 8  | For a copy of any photograph, map, plan or other document which is greater than A4 in size  | \$7.90 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   | \$7.90  |
|    | <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   | \$4.80  |
| 11 | For opening Registry (or Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour                          | \$126.00  |

## 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 | \$700.00 |
|---|----------|

**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 | \$48.50 |
|---|---------|

**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   | \$23.60  |
| (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   | \$7.90   |
| (ii) per A4 page (or smaller) in hard-copy form   | \$10.20  |
| (iii) per page that is greater in size than A4 in electronic form   | \$7.90   |
| (iv) per page that is greater in size than A4 in hard-copy form   | \$10.20 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  | \$4.80   |

**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—for each hour or part of an hour | \$126.00 |
|--|----------|

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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).

### Legislation revoked by principal regulations

The *Environment, Resources and Development Court Regulations 2005* revoked the following:

*Environment, Resources and Development Court Regulations 1993*

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

### 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                                 |
| 2007        | 95         | <i>Gazette 7.6.2007 p2402</i>         | 1.7.2007: r 2                                 |
| 2008        | 85         | <i>Gazette 5.6.2008 p2009</i>         | 1.7.2008: r 2                                 |
| 2009        | 102        | <i>Gazette 4.6.2009 p2517</i>         | 1.7.2009: r 2                                 |
| 2010        | 129        | <i>Gazette 10.6.2010 p2949</i>        | 1.7.2010: r 2                                 |
| 2011        | 143        | <i>Gazette 9.6.2011 p2382</i>         | 1.7.2011: r 2                                 |
| 2011        | 242        | <i>Gazette 24.11.2011 p4662</i>       | 12.12.2011: r 2                               |
| 2012        | 142        | <i>Gazette 31.5.2012 p2520</i>        | 1.7.2012: r 2                                 |
| 2013        | 116        | <i>Gazette 6.6.2013 p2273</i>         | 1.7.2013: r 2                                 |
| 2014        | 125        | <i>Gazette 19.6.2014 p2627</i>        | 1.7.2014: r 2                                 |
| 2015        | 73         | <i>Gazette 18.6.2015 p2580</i>        | 1.7.2015: r 2                                 |
| 2016        | 148        | <i>Gazette 23.6.2016 p2388</i>        | 1.7.2016 except Pt 3 (rr 5 & 6)—1.9.2016: r 2 |
| <b>2017</b> | <b>155</b> | <b><i>Gazette 22.6.2017 p2413</i></b> | <b>1.7.2017: r 2</b>                          |
| 2018        | 83         | <i>Gazette 21.6.2018 p2196</i>        | Sch 2 (c11 2 & 3)—1.7.2018: r 2               |

## Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision  | How varied   | Commencement    |
|------------|--|-----------------|
| <i>r 2</i> | <i>omitted under Legislation Revision and Publication Act 2002</i> | <i>1.7.2006</i> |
| Sch 1      | substituted by 144/2006 r 4  | 1.7.2006        |
|            | substituted by 95/2007 r 4   | 1.7.2007        |
|            | substituted by 85/2008 r 4   | 1.7.2008        |
|            | substituted by 102/2009 r 4  | 1.7.2009        |
|            | substituted by 129/2010 r 4  | 1.7.2010        |
|            | substituted by 143/2011 r 4  | 1.7.2011        |
|            | varied by 242/2011 r 4   | 12.12.2011      |
|            | substituted by 142/2012 r 4  | 1.7.2012        |
|            | substituted by 116/2013 r 4  | 1.7.2013        |
|            | substituted by 125/2014 r 4  | 1.7.2014        |
|            | substituted by 73/2015 r 4   | 1.7.2015        |
|            | substituted by 148/2016 r 4  | 1.7.2016        |
|            | varied by 148/2016 r 5   | 1.9.2016        |
|            | <b>substituted by 155/2017 r 4</b>                                 | <b>1.7.2017</b> |
| Sch 2      | substituted by 144/2006 r 4  | 1.7.2006        |
|            | substituted by 95/2007 r 4   | 1.7.2007        |
|            | substituted by 85/2008 r 4   | 1.7.2008        |
|            | substituted by 102/2009 r 4  | 1.7.2009        |
|            | substituted by 129/2010 r 4  | 1.7.2010        |
|            | substituted by 143/2011 r 4  | 1.7.2011        |
|            | substituted by 142/2012 r 4  | 1.7.2012        |
|            | substituted by 116/2013 r 4  | 1.7.2013        |
|            | substituted by 125/2014 r 4  | 1.7.2014        |
|            | substituted by 73/2015 r 5   | 1.7.2015        |
|            | substituted by 148/2016 r 4  | 1.7.2016        |
|            | varied by 148/2016 r 6   | 1.9.2016        |
|            | <b>substituted by 155/2017 r 4</b>                                 | <b>1.7.2017</b> |
| Sch 3      | <i>omitted under Legislation Revision and Publication Act 2002</i> | <i>1.7.2006</i> |

## Historical versions

1.7.2006  
 1.7.2007  
 1.7.2008  
 1.7.2009  
 1.7.2010

1.7.2011  
12.12.2011  
1.7.2012  
1.7.2013  
1.7.2014  
1.7.2015  
1.7.2016  
1.9.2016