

South Australia

## **Environment, Resources and Development Court (Fees) Variation Regulations 2010**

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

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Environment, Resources and Development Court Regulations 2005***

- 4 Substitution of Schedules 1 and 2
    - Schedule 1—Fees in general jurisdiction
    - Schedule 2—Fees in proceedings involving native title
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Environment, Resources and Development Court (Fees) Variation Regulations 2010*.

#### **2—Commencement**

These regulations will come into operation on 1 July 2010.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Environment, Resources and Development Court Regulations 2005*

### 4—Substitution of Schedules 1 and 2

Schedules 1 and 2—delete the Schedules and substitute:

#### Schedule 1—Fees in general jurisdiction

1	On filing or lodging any application or initiating any appeal or other proceedings, other than— (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	\$105.00
2	On an application by a party to proceedings for the issue of a summons	\$40.50
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	\$319.00
4	Court fee payable by the applicant or appellant if a matter proceeds to a hearing	\$212.00
5	For each request to inspect any material under section 47(1) of the Act	\$16.90
6	For a copy of a transcript of evidence	\$6.60 per page
7	Except where clause 8 applies, for a copy of any documentary material admitted into evidence	\$6.60 per page
8	For a copy of any photograph, map, plan or other document which is greater than A4 in size	\$6.60 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	\$6.60 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	\$4.10 per page
11	For opening Registry (or Registry remaining open) after hours for urgent execution of process	\$105.00 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 \$585.00

#### 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 \$40.50

### 3—Inspection and copies of evidentiary material

- (a) for each request to inspect material under section 47(1) of the Act \$16.90
- (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) \$6.60
  - (ii) per page that is greater in size than A4 \$6.60 or the actual cost of copying (whichever is the greater)

**Environment, Resources and Development Court (Fees) Variation Regulations 2010**

Part 2—Variation of *Environment, Resources and Development Court Regulations 2005*

---

- (c) for a copy of any other document for which a fee has not been charged under paragraph (b) \$4.10 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 \$105.00 per hour or part of an hour

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council

on 10 June 2010

No 129 of 2010

AGO0044/10CS