

South Australia

## **Environment, Resources and Development Court (Fees) Variation Regulations 2013**

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

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Environment, Resources and Development Court (Fees) Variation Regulations 2013*.

#### **2—Commencement**

These regulations will come into operation on 1 July 2013.

#### **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—	\$211.00
	(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	\$44.50
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	\$349.00
4	Court fee payable by the applicant or appellant if a matter proceeds to a hearing	\$232.00
5	For each request to inspect any material under section 47(1) of the Act	\$21.60
6	For a copy of a transcript of evidence—per page	\$7.20
7	Except where clause 8 applies, for a copy of any documentary material admitted into evidence—per page	\$7.20
8	For a copy of any photograph, map, plan or other document which is greater than A4 in size	\$7.20 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	\$7.20
	<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	\$4.40
11	For opening Registry (or Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour	\$115.00

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|----|--|----------|
| 12 | The fee for a data storage device containing a record of Court proceedings (including reasons for judgment) is the fee that would be payable under these regulations for a printed copy of the record of the proceedings <b>plus</b> —for each day or part of a day on which the proceedings were recorded | \$115.00 |
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## **Schedule 2—Fees in proceedings involving native title**

### **1—Applications or notices commencing proceedings**

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|--|---|----------|
|  | On filing or lodging an application or initiating an appeal commencing proceedings involving a native title question other than a request for mediation | \$641.00 |
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#### **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**

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|--|---|---------|
|  | On filing or lodging any other application in proceedings involving a native title question | \$44.50 |
|--|---|---------|

### **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  | \$21.60   |
|  | (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)   | \$7.20  |
|  | (ii) per page that is greater in size than A4  | \$7.20 or the actual cost of copying (whichever is greater) |

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- (c) for a copy of any other document for which a fee has not been charged under paragraph (b)—per page \$4.40

**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 \$115.00

**5—Electronic copies of documentary material**

- The fee for a data storage device containing a record of Court proceedings (including reasons for judgment) is the fee that would be payable under these regulations for a printed copy of the record of the proceedings **plus**—for each day or part of a day on which the proceedings were recorded \$115.00

**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 6 June 2013

No 116 of 2013

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