

South Australia

Environment, Resources and Development Court (Fees) Variation Regulations 2016

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 2016*.

2—Commencement

- (1) Subject to subregulation (2), these regulations will come into operation on 1 July 2016.
- (2) Part 3 of these regulations will come into operation on 1 September 2016.

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* to take effect on 1 July 2016

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—	\$226.00
	(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	\$47.50
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	\$373.00
4	Court fee payable by the applicant or appellant if a matter proceeds to a hearing	\$248.00
5	For each request to inspect any material under section 47(1) of the Act	\$23.10
6	For a copy of a transcript of evidence—per page	\$7.75
7	Except where clause 8 applies, for a copy of any documentary material admitted into evidence—per page	\$7.75
8	For a copy of any photograph, map, plan or other document which is greater than A4 in size	\$7.75 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	\$7.75
	Note—	
	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	\$4.70
11	For opening Registry (or Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour	\$123.00

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 \$685.00

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 \$47.50

3—Inspection and copies of evidentiary material

- (a) for each request to inspect material under section 47(1) of the Act \$23.10
- (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) \$7.75
 - (ii) per page that is greater in size than A4 \$7.75 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 \$4.70

Note—

A party to proceedings is entitled to 1 copy of any decision or order given or made by the Court without charge.

Environment, Resources and Development Court (Fees) Variation Regulations 2016

Part 2—Variation of *Environment, Resources and Development Court Regulations 2005* to take effect on 1 July 2016

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 \$123.00

Part 3—Variation of *Environment, Resources and Development Court Regulations 2005* to take effect on 1 September 2016

5—Variation of Schedule 1—Fees in general jurisdiction

Schedule 1, table, item 6—delete the entry relating to item 6 and substitute:

- | | | |
|---|--|---------|
| 6 | For a copy of a transcript of evidence | |
| | (a) per page in electronic form | \$7.75 |
| | (b) per page in hard-copy form | \$10.00 |

6—Variation of Schedule 2—Fees in proceedings involving native title

Schedule 2, table, item 3(b)—delete the entry relating to item 3(b) and substitute:

- | | | |
|-----|---|--|
| (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 | \$7.75 |
| | (ii) per A4 page (or smaller) in hard-copy form | \$10.00 |
| | (iii) per page that is greater in size than A4 in electronic form | \$7.75 |
| | (iv) per page that is greater in size than A4 in hard-copy form | \$10.00 or the actual cost of copying (whichever is greater) |

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 23 June 2016

No 148 of 2016

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