

1995—No. 755

**LAND AND ENVIRONMENT COURT ACT 1979—
REGULATION**

(Relating to fees)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Land and Environment Court Act 1979, has been pleased to make the Regulation set forth hereunder.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General.

Commencement

1. This Regulation commences on 1 January 1996.

Amendment

2. The Land and Environment Court (Fees) Regulation 1994 is amended by omitting Schedule 1 and by inserting instead the following Schedule:

SCHEDULE 1—COURT FEES

(Cl. 3)

	\$
1. Filing a process to commence proceedings in Class 1 of the Court's jurisdiction (other than proceedings referred to in Item 2 or 3)	485.00
2. Filing a process to commence proceedings in Class 1 of the Court's jurisdiction where the matter relates to a development application (other than a development application relating to the subdivision of land) or to a building application, and where the value of the development or building:	

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(a) is less than \$50,000	145.00
(b) is \$50,000 or more but less than \$500,000	485.00
(c) is \$500,000 or more but less than \$1,000,000	2,210.00
(d) is \$1,000,000 or more	2,760.00
3. Filing a process to commence proceedings in Class 1 of the Court's jurisdiction where the matter relates to an appeal under section 98 of the Environmental Planning and Assessment Act 1979	145.00
4. Filing a process to commence proceedings in Class 2 of the Court's jurisdiction (other than proceedings referred to in Item 5)	485.00
5. Filing a process to commence proceedings in Class 2 of the Court's jurisdiction where the matter relates to a development application (other than a development application relating to the subdivision of land) or to a building application, and where the value of the development or building is less than \$50,000	145.00
6. Filing a process to commence proceedings in Class 3 of the Court's jurisdiction (other than proceedings referred to in Item 7, 8 or 9)	485.00
7. Filing a process to commence proceedings in Class 3 of the Court's jurisdiction where the matter relates to an appeal, reference or other matter under the Crown Lands Act 1989, the Crown Lands (Continued Tenures) Act 1989, the Roads Act 1993, the Water Act 1912 or the Western Lands Act 1901	70.00
8. Filing a process to commence proceedings in Class 3 of the Court's jurisdiction where the matter relates to an appeal or objection against a valuation of land, and where the value of the land, as determined by the respondent valuing authority:	
(a) is less than \$100,000	125.00
(b) is \$100,000 or more but less than \$500,000	170.00
(c) is \$500,000 or more but less than \$1,000,000	270.00
(d) is \$1,000,000 or more	380.00
9. Filing a process to commence proceedings in Class 3 of the Court's jurisdiction where the matter relates to a claim for compensation for the compulsory acquisition of land, as referred to in section 24 of the Land and Environment Court Act 1979, and where the amount offered as compensation by the resuming or constructing authority:	
(a) is less than \$50,000	145.00
(b) is \$50,000 or more but less than \$500,000	485.00
(c) is \$500,000 or more but less than \$1,000,000	2,210.00
(d) is \$1,000,000 or more	2,760.00
10. In respect of Item 6, 8 or 9, if the registrar determines that, because of the substance of the matter and its lack of complexity, the fee referred to in the Item is not appropriate	70.00

11. Filing a process to commence proceedings in Class 4 of the Court's jurisdiction	485.00
12. Filing a process to commence proceedings in Class 5 of the Court's jurisdiction	485.00
13. Filing a process to commence proceedings in Class 6 of the Court's jurisdiction	145.00
14. Filing a process to commence an appeal to the Court under section 56A of the Land and Environment Court Act 1979	590.00
15. Production of a document, by an officer of the Court, elsewhere than the place at which the Court sits and elsewhere than the office of the registrar	40.00
16. Making a copy of a document, for each page	2.00
(minimum fee	10.00)
17. Supplying a copy of the transcript/diskette of proceedings:	
(a) for each page (or equivalent) where the matter being transcribed is under 3 months old	6.50
(minimum fee for 1 to 8 pages or equivalent	55.00)
(b) for each page (or equivalent) where the matter being transcribed is over 3 months old	7.50
(minimum fee for 1 to 8 pages or equivalent	65.00)
18. Furnishing a party to proceedings with a second or subsequent copy of the written opinion or reasons for opinion of a Judge or of an assessor or other officer of the Court in relation to the proceedings, for each copy	40.00
19. Opening, or keeping open, the office of the registrar:	
(a) on a Saturday, Sunday or public holiday (except the day after Easter Monday)	385.00
(b) on any other day:	
(i) before 8.30 a.m. or after 4.30 p.m.	385.00
(ii) between 8.30 and 9 a.m. or 4 and 4.30 p.m.	40.00
20. Supplying a duplicate tape recording of sound-recorded evidence, for each cassette	34.00

EXPLANATORY NOTE

The object of this Regulation is to increase certain fees set out in the Land and Environment Court (Fees) Regulation 1994 to be taken in respect of the business of the Land and Environment Court.

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The taxation fees (for orders made before 1 July 1994) with respect to filing a bill of costs and lodging an objection to a bill of costs have been removed from the schedule of fees.

Item 19 (b) (i) and (ii) of the schedule has been amended to reflect the extension by 30 minutes of the hours of operation of the office of the registrar.

This Regulation is made under the Land and Environment Court Act 1979, including section 78 (the general regulation-making power, in particular, section 78 (a)).
