



New South Wales

Land and Environment Court Further Amendment (Fees) Regulation 2000

under the

Land and Environment Court Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Land and Environment Court Act 1979*.

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

Explanatory note

The objects of this Regulation are:

- (a) to increase certain court fees (set out in the *Land and Environment Court Regulation 1994*) to be taken in respect of the business of the Land and Environment Court, and
- (b) to provide for the postponement or waiver of filing fees in the Land and Environment Court if the persons by whom or on whose behalf the documents are to be filed are persons receiving legal assistance through a community legal centre.

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

2000 No 294

Clause 1 Land and Environment Court Further Amendment (Fees) Regulation 2000

**Land and Environment Court Further Amendment
(Fees) Regulation 2000**

1 Name of Regulation

This Regulation is the *Land and Environment Court Further Amendment (Fees) Regulation 2000*.

2 Commencement

This Regulation commences on 1 July 2000.

3 Amendment of Land and Environment Court Regulation 1994

The *Land and Environment Court Regulation 1994* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

2000 No 294

Land and Environment Court Further Amendment (Fees) Regulation 2000

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 6A Postponement or waiver of fees in certain cases

Insert at the end of clause 6A (1) (b):

, or

(c) a legally assisted party to the proceedings.

[2] Clause 6A (3)

Omit “or a pensioner party”.

Insert instead “, a pensioner party or a legally assisted party”.

[3] Clause 6A (4) (c)

Insert at the end of clause 6A (4) (b):

, and

(c) a party to proceedings is a **legally assisted party** if he or she is receiving legal assistance through a community legal centre within the meaning of section 48H of the *Legal Profession Act 1987*.

[4] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 3)

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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)	546
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Schedule 1 Amendments

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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:	
	(a) is less than \$50,000	161
	(b) is \$50,000 or more but less than \$500,000	546
	(c) is \$500,000 or more but less than \$1,000,000	2,488
	(d) is \$1,000,000 or more	3,108
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 <i>Environmental Planning and Assessment Act 1979</i>	161
4	Filing a process to commence proceedings in Class 2 of the Court's jurisdiction (other than proceedings referred to in item 5)	546
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	161
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)	546
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 <i>Crown Lands Act 1989</i> , the <i>Crown Lands (Continued Tenures) Act 1989</i> , the <i>Roads Act 1993</i> , the <i>Water Act 1912</i> or the <i>Western Lands Act 1901</i>	77

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		\$
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	141
	(b) is \$100,000 or more but less than \$500,000	191
	(c) is \$500,000 or more but less than \$1,000,000	302
	(d) is \$1,000,000 or more	427
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 <i>Land and Environment Court Act 1979</i> , and where the amount offered as compensation by the resuming or constructing authority:	
	(a) is less than \$50,000	161
	(b) is \$50,000 or more but less than \$500,000	546
	(c) is \$500,000 or more but less than \$1,000,000	2,488
	(d) is \$1,000,000 or more	3,108
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	77
11	Filing a process to commence proceedings in Class 4 of the Court's jurisdiction	546
12	Filing a process to commence proceedings in Class 5 of the Court's jurisdiction	546
13	Filing a process to commence proceedings in Class 6 or 7 of the Court's jurisdiction	161

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		\$
14	Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i>	663
15	Production of a document, by an officer of the Court, elsewhere than at the place at which the Court sits and elsewhere than at the office of the registrar	45
16	Making a copy of a document, for each page (minimum fee	2 10)
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 (minimum fee for 1 to 8 pages or equivalent	6.70 58)
	(b) for each page (or equivalent) where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages or equivalent	7.70 68)
	(c) for each diskette also supplied (in addition to fee under paragraph (a) or (b))	5
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 a commissioner or other officer of the Court in relation to the proceedings, for each copy	43
19	Furnishing a person (other than a party to proceedings) with a first or subsequent copy of the written opinion or reasons for opinion of a Judge or of a commissioner or other officer of the Court in relation to any proceedings, for each copy	43
20	Opening, or keeping open, the office of the registrar:	
	(a) on a Saturday, Sunday or public holiday (except the day after Easter Monday)	432

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Schedule 1

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	(b) on any other day:	
	(i) before 8.30 am or after 4.30 pm	432
	(ii) between 8.30 and 9 am or 4 and 4.30 pm	45
21	Supplying a duplicate tape recording of sound-recorded evidence, for each cassette	36
22	(a) To issue a subpoena for production	49
	(b) To issue a subpoena for production and to give evidence	49
	(c) To issue a subpoena to give evidence	24
23	Retrieving a document from archival storage, for each document	21

Note. Fees for applications to modify development consents or local government approvals granted by the Court are prescribed under clauses 4 and 5 of this Regulation.

BY AUTHORITY