



Land and Environment Court Amendment (Fees) Regulation 2004

under the

Land and Environment Court Act 1979

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

BOB DEBUS, M.P.,

Attorney General

Explanatory note

The object of this Regulation is to increase, by approximately 4 per cent, certain fees (as set out in the *Land and Environment Court Regulation 2000*) to be taken in respect of the business of the Land and Environment Court.

Consistently with fees payable by corporations in respect of the business of certain other courts and tribunals, this Regulation introduces a fee at a corporate rate (being twice the individual rate) for the issue of a subpoena (for production or to give evidence, or both). This Regulation also contains several amendments to the Principal Regulation of a consequential nature.

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).

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Clause 1 Land and Environment Court Amendment (Fees) Regulation 2004

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under the

Land and Environment Court Act 1979

1 Name of Regulation

This Regulation is the *Land and Environment Court Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Land and Environment Court Regulation 2000

The *Land and Environment Court Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3A Definitions

Insert in alphabetical order:

corporation has the same meaning as in section 57A of the *Corporations Act 2001* of the Commonwealth.

[2] Clause 4 Fees generally

Insert at the end of the clause:

- (2) However, a reference in that Schedule to a corporation does not include a reference to a corporation that produces evidence, satisfactory to the registrar:
- (a) that its turnover, in the financial year of the corporation immediately preceding the financial year in which the fees are to be taken, was less than \$200,000, or
 - (b) if the corporation has not been in existence for a full financial year—that its turnover in its first financial year is likely to be less than \$200,000.

[3] Clause 5 Persons by and to whom fees payable

Insert after clause 5 (2):

- (3) A reference in Schedule 1 to a fee payable in the case of a corporation is a reference to a corporation on whose behalf a request is made to file a document or render a service.

[4] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

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| | | |
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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) | 616.00 |
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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 | 181.00 |
| | (b) is \$50,000 or more but less than \$500,000 | 616.00 |
| | (c) is \$500,000 or more but less than \$1,000,000 | 2,809.00 |
| | (d) is \$1,000,000 or more | 3,508.00 |
| 3 | Filing a process to commence proceedings in Class 1 of the Court's jurisdiction where the matter relates to an appeal under section 96AA or 98 of the <i>Environmental Planning and Assessment Act 1979</i> | 181.00 |
| 4 | Filing a process to commence proceedings in Class 2 of the Court's jurisdiction (other than proceedings referred to in item 5) | 616.00 |
| 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 | 181.00 |
| 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) | 616.00 |
| 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 <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> , the <i>Water Management Act 2000</i> or the <i>Western Lands Act 1901</i> | 87.00 |

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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 | 159.00 |
| (b) | is \$100,000 or more but less than \$500,000 | 215.00 |
| (c) | is \$500,000 or more but less than \$1,000,000 | 340.00 |
| (d) | is \$1,000,000 or more | 482.00 |
| 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 <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 | 181.00 |
| (b) | is \$50,000 or more but less than \$500,000 | 616.00 |
| (c) | is \$500,000 or more but less than \$1,000,000 | 2,809.00 |
| (d) | is \$1,000,000 or more | 3,508.00 |
| 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 | 87.00 |
| 11 | Filing a process to commence proceedings in Class 4 of the Court's jurisdiction | 616.00 |
| 12 | Filing a process to commence proceedings in Class 5 of the Court's jurisdiction | 616.00 |
| 13 | Filing a process to commence proceedings in Class 6 or 7 of the Court's jurisdiction | 181.00 |

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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> | 749.00 |
| 15 | Filing a process to commence proceedings for modification of a development consent, or for modification of an approval, granted by the Court on appeal | 112.00 or 30% of the original filing fee paid to the Court (whichever is the greater) |
| 16 | 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 | 51.00 |
| 17 | Making a copy of a document, for each page (minimum fee of \$10.00) | 2.00 |
| 18 | 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) of \$64.00) | 7.60 |
| (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) of \$75.00) | 8.70 |
| (c) | for each diskette also supplied (in addition to fee under paragraph (a) or (b)) | 5.20 |
| 19 | 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 | 48.00 |

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| 20 | 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 | 48.00 |
| 21 | Opening, or keeping open, the office of the registrar: (a) on a Saturday, Sunday or public holiday, or (b) on any other day before 8.30 am or after 5 pm | 488.00 |
| 22 | Supplying a duplicate tape recording of sound-recorded evidence, for each cassette | 41.00 |
| 23 | To issue a subpoena (for production, to give evidence, or both) | 110.00 (in the case of a corporation) or 55.00 (in any other case) |
| 24 | Retrieving a document from archival storage, for each document | 25.00 |
