



New South Wales

Land and Environment Court Amendment (Fees) Regulation 2006

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 amend the *Land and Environment Court Regulation 2005* so as:

- (a) to increase certain fees that are payable in relation to proceedings before the Land and Environment Court, and
- (b) to provide for a fee regime that distinguishes between corporate and non-corporate parties.

This Regulation is made under the *Land and Environment Court Act 1979*, including section 78 (the general power to make regulations).

2006 No 366

Clause 1 Land and Environment Court Amendment (Fees) Regulation 2006

Land and Environment Court Amendment (Fees) Regulation 2006

under the

Land and Environment Court Act 1979

1 Name of Regulation

This Regulation is the *Land and Environment Court Amendment (Fees) Regulation 2006*.

2 Commencement

This Regulation commences on 1 July 2006.

3 Amendment of Land and Environment Court Regulation 2005

The *Land and Environment Court Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
1	Filing an originating process in Class 1 of the Court's jurisdiction (other than an originating process referred to in item 2)	\$659	\$1,318
2	Filing an originating process in Class 1 of the Court's jurisdiction under section 97 of the <i>Environmental Planning and Assessment Act 1979</i> 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 \$500,000	\$659	\$1,318
	(b) is \$500,000 or more but less than \$1,000,000	\$3,013	\$4,000
	(c) is \$1,000,000 or more	\$3,764	\$5,000
3	Filing an originating process in Class 2 of the Court's jurisdiction	\$659	\$1,318
4	Filing an originating process in Class 3 of the Court's jurisdiction (other than an originating process referred to in item 5 or 6)	\$659	\$1,318

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
5 Filing an originating process 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 \$500,000	\$231	\$462
(b) is \$500,000 or more but less than \$1,000,000	\$365	\$730
(c) is \$1,000,000 or more	\$659	\$1,318
6 Filing an originating process 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 \$500,000	\$659	\$1,318
(b) is \$500,000 or more but less than \$1,000,000	\$3,013	\$4,000
(c) is \$1,000,000 or more	\$3,764	\$5,000
7 Filing an originating process in Class 4 of the Court's jurisdiction	\$659	\$1,318
8 Filing an originating process in Class 5 of the Court's jurisdiction	\$659	
9 Filing an originating process in Class 6 or 7 of the Court's jurisdiction	\$659	
10 Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i>	\$1,539	\$3,078
11 Filing a notice of motion	\$152	\$304
12 Issuing a subpoena (for production, to give evidence, or both)	\$59	\$118
13 Issuing a notice to produce a document or thing to the court under Part 36, rule 16, of the <i>Supreme Court Rules 1970</i> (as applied by the <i>Land and Environment Court Rules 1996</i>)	\$59	\$118

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Amendment

Schedule 1

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
14	Filing or registering a copy or certificate of a judgment, order, determination, decree, adjudication or award of any other court or person	\$67	\$134
15	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	\$523	\$1,046
16	Requesting production to the Court of documents held by another court	\$44	\$88
17	Furnishing a sealed or certified copy of the written opinion or reasons for opinion of a Judge or of a Commissioner or other officer of the Court Note. A party to proceedings before the Court is entitled to one copy of the opinion or reasons for opinion without charge.	\$44	
18	Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by item 17)	\$10, plus \$5 for each 10 pages (or part thereof) after the first 20 pages	
19	Retrieving a document from archival storage	\$27 per document	
20	Supplying a duplicate tape recording of sound-recorded evidence	\$37 per cassette	
21	Supplying a transcript of any proceedings: (a) where the matter being transcribed is under 3 months old	\$68, plus an additional \$8.20 for each page after the first 8 pages	

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(b) where the matter being transcribed is 3 months old or older	\$81, plus an additional \$9.30 for each page after the first 8 pages	
22 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	\$55	
23 Providing any service for which a fee is not otherwise imposed by this Schedule	\$31	\$62

BY AUTHORITY