



New South Wales

Land and Environment Court Amendment (Fees) Regulation 2007

under the

Land and Environment Court Act 1979

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

JOHN HATZISTERGOS, M.L.C.,
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees that are payable in relation to proceedings before the Land and Environment Court, and
- (b) to make it clear that the party to a proceeding and a solicitor for that party are jointly and severally liable for the payment of certain fees.

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

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Clause 1 Land and Environment Court Amendment (Fees) Regulation 2007

Land and Environment Court Amendment (Fees) Regulation 2007

under the

Land and Environment Court Act 1979

1 Name of Regulation

This Regulation is the *Land and Environment Court Amendment (Fees) Regulation 2007*.

2 Commencement

This Regulation commences on 1 July 2007.

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)

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

Insert after subclause (1):

- (1A) For the purposes of subclause (1), the fee imposed by item 14 of Schedule 1 is taken to be payable by the person who served the notice to produce under Part 36, rule 16, of the *Supreme Court Rules 1970* (as applied by the *Land and Environment Court Rules 1996*).

[2] Clause 5 (2A)

Insert after clause 5 (2):

- (2A) For the purposes only of subclause (2), a solicitor or other person by whom a person is carrying on proceedings is taken to be acting as an agent for that person.

[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)	\$685	\$1,370
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	\$685	\$1,370

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(b) is \$500,000 or more but less than \$1,000,000	\$3,134	\$4,160
(c) is \$1,000,000 or more	\$3,914	\$5,200
3 Filing an originating process in Class 2 of the Court's jurisdiction (other than an originating process referred to in item 4)	\$685	\$1,370
4 Filing an originating process in Class 2 of the Court's jurisdiction where the matter relates to an application under the <i>Trees (Disputes Between Neighbours) Act 2006</i>	\$180	\$360
5 Filing an originating process in Class 3 of the Court's jurisdiction (other than an originating process referred to in item 6 or 7)	\$685	\$1,370
6 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	\$240	\$480
(b) is \$500,000 or more but less than \$1,000,000	\$379	\$758
(c) is \$1,000,000 or more	\$685	\$1,370
7 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	\$685	\$1,370
(b) is \$500,000 or more but less than \$1,000,000	\$3,134	\$4,160
(c) is \$1,000,000 or more	\$3,914	\$5,200
8 Filing an originating process in Class 4 of the Court's jurisdiction	\$685	\$1,370

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Amendment

Schedule 1

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
9	Filing an originating process in Class 5 of the Court's jurisdiction	\$685	
10	Filing an originating process in Class 6 or 7 of the Court's jurisdiction	\$685	
11	Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i>	\$1,600	\$3,200
12	Filing a notice of motion	\$158	\$316
13	Issuing a subpoena (for production, to give evidence, or both)	\$61	\$122
14	Receipt by the clerk of the Court of a document or thing produced in compliance with a notice to produce 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>)	\$61	\$122
15	Filing or registering a copy or certificate of a judgment, order, determination, decree, adjudication or award of any other court or person	\$69	\$138
16	Opening, or keeping open, the office of the registrar: <ul style="list-style-type: none"> (a) on a Saturday, Sunday or public holiday, or (b) on any other day before 8.30 am or after 5 pm 	\$540	\$1,080
17	Requesting production to the Court of documents held by another court	\$46	\$92
18	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	\$46	
	Note. A party to proceedings before the Court is entitled to one copy of the opinion or reasons for opinion without charge.		

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Schedule 1 Amendment

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
19 Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by item 18)	\$10, plus \$5 for each 10 pages (or part thereof) after the first 20 pages	
20 Retrieving a document from archival storage	\$28 per document	
21 Supplying a duplicate tape recording of sound-recorded evidence	\$38 per cassette	
22 Supplying a transcript of any proceedings:		
(a) where the matter being transcribed is under 3 months old	\$70, plus an additional \$8.50 for each page after the first 8 pages	
(b) where the matter being transcribed is 3 months old or older	\$85, plus an additional \$9.70 for each page after the first 8 pages	
23 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	\$57	
24 Providing any service for which a fee is not otherwise imposed by this Schedule	\$32	\$64

BY AUTHORITY