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SPECIAL SUPPLEMENT



New South Wales

Dust Diseases Tribunal Amendment (Claims Resolution Process) Regulation 2005

under the

Dust Diseases Tribunal Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dust Diseases Tribunal Act 1989*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Dust Diseases Tribunal Regulation 2001* so as:

- (a) to provide that evidence given to a mediator at the conclusion of a mediation session may, in certain circumstances, be taken by means of a telecommunications link, and
- (b) to provide that evidence given to a mediator at the conclusion of a mediation session may, in certain circumstances, be taken from a plaintiff who is outside New South Wales, and
- (c) to make provision for the service of documents with respect to the claims resolution process, and
- (d) to provide that the Christmas/New Year period may be ignored when reckoning time for the purposes of the claims resolution process, and
- (e) to effect minor law revision.

This Regulation is made under the *Dust Diseases Tribunal Act 1989*, including section 32H (Regulations to promote claims resolution).

Clause 1 Dust Diseases Tribunal Amendment (Claims Resolution Process)
 Regulation 2005

Dust Diseases Tribunal Amendment (Claims Resolution Process) Regulation 2005

under the

Dust Diseases Tribunal Act 1989

1 Name of Regulation

This Regulation is the *Dust Diseases Tribunal Amendment (Claims Resolution Process) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of Dust Diseases Tribunal Regulation 2001

The *Dust Diseases Tribunal Regulation 2001* is amended as set out in Schedule 1.

Dust Diseases Tribunal Amendment (Claims Resolution Process)
Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 11 Definitions

Insert at the end of the clause:

- (2) Unless the parties otherwise agree, the period from the beginning of 25 December until the end of 9 January next following is to be ignored for the purpose of reckoning the time fixed by this Regulation for the doing by a party of any act in connection with the claims resolution process.
- (3) Subclause (2) does not prevent any business in connection with the claims resolution process from being conducted during the period referred to in that subclause.

[2] Clause 17 Effect of claim being subject to claims resolution process

Insert before clause 17 (2) (a):

- (a1) the service of the statement of claim on the defendant, including the service of the statement of claim outside Australia, or

[3] Clause 17A

Insert after clause 17:

17A Service of documents

- (1) Rules 10.5–10.19, 10.21 and 10.22 of the *Uniform Civil Procedure Rules 2005* apply to and in respect of the service of documents for the purposes of this Part in the same way as they apply to and in respect of the service of documents for the purposes of proceedings in the Tribunal.
- (2) Pending the commencement of section 9 of the *Civil Procedure Act 2005*:
 - (a) the reference in subclause (1) to rules 10.5–10.19, 10.21 and 10.22 of the *Uniform Civil Procedure Rules 2005* is taken to be a reference to the correspondingly numbered provisions of Schedule 7 to that Act, and
 - (b) for the purposes of subclause (1), those correspondingly numbered provisions are taken to apply, as rules of court, to proceedings in the Tribunal.

Dust Diseases Tribunal Amendment (Claims Resolution Process)
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Amendments

Schedule 1

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- (3) In the case of a defendant who is outside Australia, any document to be served for the purposes of this Part may be served on the defendant:
- (a) in the same manner as that in which the relevant statement of claim was served on the defendant, or
 - (b) in such other manner as the parties may agree.

[4] Clause 22 Defendant to provide reply to claim

Insert “business” before “days” in clause 22 (8).

[5] Clause 23 Requests for more information about dispute

Insert “business” before “days” in clause 23 (2).

[6] Clauses 35A, 35B and 35C

Insert after clause 35:

35A Taking evidence by telecommunications link

- (1) This clause applies to a plaintiff, whether in New South Wales or elsewhere:
 - (a) who is the subject of a medical practitioner’s certificate under clause 32 (3) to the effect that he or she is not fit to be present at a mediation session, or
 - (b) in respect of whom the parties are in agreement that he or she should be allowed to give evidence by means of a telecommunications link.
- (2) For the purposes of clause 35, a plaintiff to whom this clause applies may give evidence by means of a telecommunications link and, for that purpose, anything that needs to be done in order to enable the plaintiff’s evidence to be so given (such as the administration and taking of an oath) may also be done by such means.

35B Taking evidence outside New South Wales

- (1) For the purposes of clause 35, a plaintiff may give evidence on oath before a mediator outside New South Wales, but only if:
 - (a) the plaintiff is the subject of a medical practitioner’s certificate under clause 32 (3) to the effect that he or she is not fit to be present at a mediation session, and
 - (b) the defendant on whose application the plaintiff is required to give evidence requests that the plaintiff’s evidence be so given, and

Dust Diseases Tribunal Amendment (Claims Resolution Process)
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Amendments

Schedule 1

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- (c) the mediator is satisfied that it is appropriate in all of the circumstances for the plaintiff's evidence to be so given.
 - (2) Without limiting clause 35 (10), a defendant at whose request evidence is given by the plaintiff under this clause is liable for the costs incurred by the mediator and the plaintiff's legal representatives in travelling to the place at which the evidence is to be given. If more than one defendant makes the request, the defendants are liable in equal shares for those costs.

35C Application of Uniform Civil Procedure Rules 2005 to giving of evidence

- (1) Rules 24.9 and 24.11–24.15 of the *Uniform Civil Procedure Rules 2005* apply for the purposes of clause 35 in the same way as they apply for the purposes of proceedings in the Supreme Court, and so apply as if a reference in those rules to an examiner were a reference to a mediator.
- (2) Pending the commencement of section 9 of the *Civil Procedure Act 2005*:
 - (a) the reference in subclause (1) to rules 24.9 and 24.11–24.15 of the *Uniform Civil Procedure Rules 2005* is taken to be a reference to the correspondingly numbered provisions of Schedule 7 to that Act, and
 - (b) for the purposes of subclause (1), those correspondingly numbered provisions are taken to apply, as rules of court, to proceedings in the Supreme Court.



New South Wales

Health Services Amendment (St John of God Health Care System Inc) Order 2005

under the

Health Services Act 1997

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 62 (2) of the *Health Services Act 1997*, make the following Order.

Dated, this 29th day of June 2005.

By Her Excellency's Command,

MORRIS IEMMA, M.P.,
Minister for Health

Explanatory note

The object of this Order is to remove the reference to "St John of God Health Care System Inc" and the recognised establishment of that organisation, "St John of God Hospital (Goulburn)", from Schedule 3 to the *Health Services Act 1997* so that the organisation is no longer an affiliated health organisation for the purposes of the Act.

This Order is made under section 62 (2) of the *Health Services Act 1997*.

Clause 1 Health Services Amendment (St John of God Health Care System Inc)
Order 2005

Health Services Amendment (St John of God Health Care System Inc) Order 2005

under the

Health Services Act 1997

1 Name of Order

This Order is the *Health Services Amendment (St John of God Health Care System Inc) Order 2005*.

2 Commencement

This Order commences on 1 July 2005.

3 Amendment of Health Services Act 1997 No 154

The *Health Services Act 1997* is amended by omitting the matter relating to “St John of God Health Care System Inc” from Columns 1 and 2 of Schedule 3.



New South Wales

Insurance Premiums Order 2005–2006 Amendment Order 2005

under the

Workers Compensation Act 1987

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 168 of the *Workers Compensation Act 1987*, make the following Order.

Dated, this 29th day of June 2005.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

The object of this Order is to amend the *Insurance Premiums Order 2005–2006* to correct errors in certain equations in that Order and references to certain NSW Government cleaning contract numbers.

This Order is made under section 168 of the *Workers Compensation Act 1987*.

Clause 1 Insurance Premiums Order 2005–2006 Amendment Order 2005

Insurance Premiums Order 2005–2006 Amendment Order 2005

under the

Workers Compensation Act 1987

1 Name of Order

This Order is the *Insurance Premiums Order 2005–2006 Amendment Order 2005*.

2 Commencement

This Order commences at 4 pm on 30 June 2005.

3 Amendment of Insurance Premiums Order 2005–2006

The *Insurance Premiums Order 2005–2006* is amended as set out in Schedule 1.

Insurance Premiums Order 2005–2006 Amendment Order 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Calculation of insurance premium payable by employer

Omit “ $P = (T \times (1 - S)) + (E \times S) + Q - Y + D - I$ ” from clause 3 (a).

Insert instead “ $P = ((T \times (1 - S)) + (E \times S)) + Q - Y + D - I$ ”.

[2] Clause 3 (a)

Omit “[$P = (1 - S) + (E \times S)$]”. Insert instead “[$(T \times (1 - S)) + (E \times S)$]”.

[3] Schedule 3 Basic tariff premium

Omit “ $(W_a \times W_b)$ ” from clause 1 (1). Insert instead “ $(W_a \times R_a)$ ”.

[4] Schedule 9 Input tax credit adjustment

Omit “ $I = [T \times (1 - S) + (E \times S) - Y + Q] \times B\%$ ” from clause 1 (a).

Insert instead “ $I = [(T \times (1 - S)) + (E \times S) - Y + Q] \times B\%$ ”.

[5] Schedule 10 Premium discount scheme

Omit “ $Y = \text{PDS level} \times (T \times (1 - S)) + (E \times S) + Q$ ” from clause 1 (a).

Insert instead “ $Y = \text{PDS level} \times ((T \times (1 - S)) + (E \times S) + Q)$ ”.

[6] Schedule 10, clause 1 (a)

Omit “ $T \times (1 - S) + (E \times S)$ ”. Insert instead “[$(T \times (1 - S)) + (E \times S)$]”.

[7] Schedule 10, clause 1 (b)

Omit “ $Y = \text{PDS level} \times (T + (X \times T)) + Q$ ”.

Insert instead “ $Y = \text{PDS level} \times ((T + (X \times T)) + Q)$ ”.

Insurance Premiums Order 2005–2006 Amendment Order 2005

Schedule 1 Amendments

[8] Table A NSW WorkCover Industry Classification

Omit the matter relating to **Cleaning Services (Non NSW Government Schools Contract)** and **Cleaning Services (NSW Government Schools and Sites Contracts)** in Subdivision 78, Division L.

Insert instead:

786610	Cleaning Services (Non NSW Government Schools Contract)	9.61%
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This class includes employers engaged in providing window, building, telephone cleaning or similar cleaning services (except carpet cleaning or shampooing services, steam cleaning, or sand blasting of building exteriors). This class also includes employers engaged under NSW Government Cleaning Contract No 0500342 for NSW Government agencies in the Sydney Business District Area.

Exclusions and References:

Employers mainly engaged in

- (a) *the cleaning of building exteriors (including steam cleaning, sand or other abrasive blasting) are included in Class 425930 Building Exterior Cleaning and Maintenance Services;*
- (b) *cleaning or shampooing carpets, drapes or curtains are included in Class 952130 Carpet Cleaners;*
- (c) *operating under New South Wales Government Sites Cleaning Contracts awarded by the NSW Government Contracts Control Board pursuant to Request for Tender Nos 93/20125 and 98/20125, including contracts awarded by the NSW Government for cleaning services in public schools in NSW are included in Class 786620; and*

Insurance Premiums Order 2005–2006 Amendment Order 2005

Amendments

Schedule 1

(d) *operating under New South Wales Government Schools cleaning contract nos or facilities management contract nos (or both) 0500323 0500324 0500325 0500326 0500327 0500328 0500329 0500330 0500331 0500332 0500333 0500334 0500335 0500336 0500337 0500338 0500339 0500340 0500341 0500343 0500344 are included in Class 786620 Cleaning Services (NSW Government Schools and Sites Contracts).*

Primary Activities:

Abrasive and/or sand blasting other than building exteriors

Building cleaning service (interior)

Chimney cleaning service

Cleaning service nec

Cleaning of garbage and recycling bins and skips

House cleaning service

NSW Government Cleaning Contract No 0500342 for NSW Government agencies in the Sydney Business District Area

Office cleaning service

786620 Cleaning Services (NSW Government Schools and Sites Contracts) 16.23%

This class consists of employers operating under New South Wales Government Sites Cleaning Contracts awarded by the NSW Government Contracts Control Board pursuant to Request for Tender Nos 93/20125 and 98/20125 and employers operating under New South Wales Government school cleaning contracts nos or facilities management contract nos (or both) 0500323 0500324 0500325 0500326 0500327 0500328 0500329 0500330 0500331 0500332 0500333 0500334 0500335 0500336 0500337 0500338 0500339 0500340 0500341 0500343 0500344.

Insurance Premiums Order 2005–2006 Amendment Order 2005

Schedule 1 Amendments

*Exclusions and References:**Employers mainly engaged in*

- (a) *the cleaning of building exteriors (including steam cleaning, sand or other abrasive blasting) are included in Class 425930 Building Exterior Cleaning and Maintenance Services;*
- (b) *cleaning or shampooing carpets, drapes or curtains are included in Class 952130 Carpet Cleaners; and*
- (c) *providing services under NSW Government Cleaning Contract No 0500342 for NSW Government agencies in the Sydney Business District Area is included in Class 786610 Cleaning Services (Non NSW Government Schools Contract).*

Primary Activities:

Cleaning services provided under New South Wales Government Sites Cleaning Contracts awarded by the NSW Government Contracts Control Board pursuant to Request for Tender Nos 93/20125 and 98/20125.

Cleaning services provided under New South Wales Government school cleaning contracts nos 0500323 0500324 0500325 0500326 0500327 0500328 0500329 0500330 0500331 0500332 0500333 0500334 0500335 0500336 0500337 0500338 0500339 0500340 and 0500341.

Cleaning and facilities management services provided under contracts nos 0500343 and 0500344.



New South Wales

James Hardie Former Subsidiaries (Special Provisions) (Savings and Transitional) Regulation 2005

under the

James Hardie Former Subsidiaries (Special Provisions) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *James Hardie Former Subsidiaries (Special Provisions) Act 2005*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The *James Hardie Former Subsidiaries (Special Provisions) Act 2005* provides for the external administration of certain former subsidiaries (liable entities) of the James Hardie corporate group. Under section 19 of the Act the Minister may direct a liable entity to do any thing that the Minister is satisfied is necessary or appropriate for the external administration of the entity in accordance with Part 3 of the Act.

The object of this Regulation is to require liable entities to lodge a financial report for their 2005 financial year with the Minister to enable the Minister to assess the current financial position of the liable entities.

This Regulation is made under the *James Hardie Former Subsidiaries (Special Provisions) Act 2005*, including section 42 and Schedule 1.

James Hardie Former Subsidiaries (Special Provisions) (Savings and Transitional)
Regulation 2005

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Part 1	Preliminary

James Hardie Former Subsidiaries (Special Provisions) (Savings and Transitional) Regulation 2005

under the

James Hardie Former Subsidiaries (Special Provisions) Act 2005

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *James Hardie Former Subsidiaries (Special Provisions) (Savings and Transitional) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Definitions

- (1) In this Regulation:
the Act means the *James Hardie Former Subsidiaries (Special Provisions) Act 2005*.
- (2) Notes included in this Regulation do not form part of this Regulation.

Clause 4	James Hardie Former Subsidiaries (Special Provisions) (Savings and Transitional) Regulation 2005
Part 2	Liable entities

Part 2 Liable entities

4 Financial report for 2005 financial year

- (1) In this clause:
relevant financial year means the following:
 - (a) for ABN 60—the year ending 31 March 2005,
 - (b) for Amaca—the year ending 30 June 2005,
 - (c) for Amaba—the year ending 30 June 2005.
- (2) A liable entity must, within 1 month after 1 July 2005, lodge with the Minister a financial report for its relevant financial year prepared and audited in accordance with this clause.
- (3) The financial report for the relevant financial year for Amaca and Amaba is to consist of:
 - (a) financial statements for the year, and
 - (b) notes to the financial statements, and
 - (c) a directors' declaration about the statements and notes, complying with subclause (4).
- (4) The financial report referred to in subclause (3) is to be prepared:
 - (a) in the case of Amaca—as if it were a large proprietary company that is not a disclosing entity within the meaning of the Corporations Act and the financial report were a financial report it was required to prepare under and in accordance with Part 2M.3 of that Act, and
 - (b) in the case of Amaba—as if ASIC had directed it to comply with the requirements of Division 1 and Divisions 3, 4, 5 and 6 of Part 2M.3 of the Corporations Act for the relevant financial year under section 294 (1) of that Act and the financial report were a financial report it was required to prepare under and in accordance with those Divisions.
- (5) For the purposes of subclause (4), a reference in Part 2M.3 of the Corporations Act to compliance with the accounting standards is to be read as if it were a reference to compliance with accounting standards consistently with the accounting standards that the liable entity applied to the financial year for which it last prepared a financial report under and in accordance with that Part.
- (6) The financial report referred to in subclause (3) is to be audited and an auditor's report obtained in the same way that the financial report would be required under section 301 of the Corporations Act to be audited and reported on if it were a financial report prepared under and in

James Hardie Former Subsidiaries (Special Provisions) (Savings and Transitional) Regulation 2005

Clause 4

Liable entities

Part 2

accordance with the provisions of Part 2M.3 that would be applicable to a large proprietary company that is not a disclosing entity or a company given a direction by ASIC as referred to in subclause (4).

- (7) The financial report for the relevant financial year for ABN 60 is a copy of a financial report prepared by it for that year that has been audited by a registered company auditor.
- (8) The Minister may, by order in writing, exempt a specified liable entity from all or any of the requirements imposed on it by this clause.
- (9) An exemption may be granted unconditionally or subject to conditions. A liable entity that breaches a condition of an exemption is taken not to be exempt from compliance with the relevant requirement.
- (10) Nothing in this clause limits or affects any requirement imposed on a liable entity to lodge any account or statement in accordance with a direction given by the Minister under section 27 of the Act. A financial report lodged in accordance with this clause is to be treated, for the purposes of the Act, as if it had been lodged in accordance with that section.



New South Wales

Land and Environment Court Regulation 2005

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 repeal and remake the *Land and Environment Court Regulation 2000*, which would otherwise be repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision for the fees that are payable in respect of the business of the Land and Environment Court. It increases, in line with the Consumer Price Index, the fees that are currently payable in respect of that business. It also makes provision for the postponement or waiver of fees in certain cases.

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

Land and Environment Court Regulation 2005

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Land and Environment Court Regulation 2005

Clause 1

Land and Environment Court Regulation 2005

under the

Land and Environment Court Act 1979

1 Name of Regulation

This Regulation is the *Land and Environment Court Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

Note. This Regulation repeals and replaces the *Land and Environment Court Regulation 2000* which would otherwise be repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

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

the Act means the *Land and Environment Court Act 1979*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Fees generally

(1) The fees to be taken in respect of the matters set out in Schedule 1 are the fees specified in that Schedule.

(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.

Clause 5 Land and Environment Court Regulation 2005

5 Persons by and to whom fees payable

- (1) A fee charged under this Regulation for a document or service is payable to the registrar by the person at whose request the document is filed or the service rendered.
- (2) If a document is filed or a service rendered at the request of a person acting as an agent for another person, each of those persons is jointly and severally liable for payment of the fee.
- (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.

6 Fee not chargeable for transcript—appeal to Court of Criminal Appeal

No fee is chargeable to a person convicted of an offence in proceedings before the Court for a transcript or diskette of the proceedings if:

- (a) the person has filed a notice of appeal, notice of intention to appeal, notice of application for leave to appeal or notice of intention to apply for leave to appeal with the Court of Criminal Appeal against the conviction or a sentence imposed by the Court in respect of the conviction, or
- (b) the person is a respondent to an appeal against such a sentence.

7 Postponement or waiver of fees in certain cases

- (1) The taking of the fee for filing initiating process to commence proceedings in any Class of the Court's jurisdiction is to be postponed until judgment is given in the proceedings if the process is filed by or on behalf of:
 - (a) a pro bono party to the proceedings, or
 - (b) a pensioner party to the proceedings, or
 - (c) a legally assisted party to the proceedings.
- (2) The fee is not to be taken at all, or if taken must be remitted, if, in relation to the proceedings:
 - (a) judgment is against the party concerned, or
 - (b) judgment is in favour of that party, but costs are not awarded in his or her favour.
- (3) Despite clause 8 (2), the registrar must not refuse to file or issue any document, or render a service, relevant to proceedings merely because, in accordance with this clause, a fee has not been taken for the filing of any initiating process on behalf of a pro bono party, a pensioner party or a legally assisted party to the proceedings concerned.

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- (4) For the purposes of this clause:
- (a) a party to proceedings is a *pro bono party* if he or she is being represented under the pro bono scheme of the Law Society of New South Wales or the pro bono scheme of the New South Wales Bar Association and a legal practitioner acting for the party:
 - (i) certifies in writing to the registrar on behalf of the party that the party is being so represented, and
 - (ii) undertakes in writing to the registrar to pay the filing fee for that document if, at the conclusion of the proceedings, subclause (2) does not apply, and
 - (b) a party to proceedings is a *pensioner party* if he or she is the holder of any card issued by the Commonwealth Government that entitles the holder to Commonwealth health concessions, 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* or section 240 of the *Legal Profession Act 2004*.

8 When fees payable

- (1) A fee charged under this Regulation becomes payable when the document concerned is filed or the service concerned is rendered.
- (2) However, the registrar:
 - (a) may require a fee for the document or service to be paid before the document is filed or the service rendered, or
 - (b) may, by order in writing, direct that the whole or any part of such a fee be postponed, waived or remitted, subject to such conditions (if any) as the registrar thinks fit to impose.
- (3) The registrar may delegate his or her power under this clause to direct that the whole or any part of any fee be postponed to any public servant holding office as, or appointed to act temporarily as, a grade 5/6 administrative or clerical officer or above.
- (4) The registrar may delegate his or her power under this clause to direct that the whole or any part of any fee be waived or remitted to any public servant holding office as, or appointed to act temporarily as, a grade 7/8 administrative or clerical officer or above.
- (5) A reference in subclause (2) to the registrar includes a reference to a person to whom the registrar delegates his or her powers in accordance with this clause.
- (6) This clause is subject to clause 7.

Clause 9 Land and Environment Court Regulation 2005

9 Repeal and saving

- (1) The *Land and Environment Court Regulation 2000* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Land and Environment Court Regulation 2000*, had effect under that Regulation is taken to have effect under this Regulation.

Land and Environment Court Regulation 2005

Court fees

Schedule 1

Schedule 1 Court fees

(Clause 4)

	\$
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)	639.00
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:	
(a) is less than \$50,000	188.00
(b) is \$50,000 or more but less than \$500,000	639.00
(c) is \$500,000 or more but less than \$1,000,000	2,914.00
(d) is \$1,000,000 or more	3,640.00
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>	188.00
4 Filing a process to commence proceedings in Class 2 of the Court's jurisdiction (other than proceedings referred to in item 5)	639.00
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	188.00
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)	639.00
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>	90.00
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:	

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Land and Environment Court Regulation 2005

Schedule 1 Court fees

	\$
(a) is less than \$100,000	165.00
(b) is \$100,000 or more but less than \$500,000	223.00
(c) is \$500,000 or more but less than \$1,000,000	353.00
(d) is \$1,000,000 or more	500.00
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	188.00
(b) is \$50,000 or more but less than \$500,000	639.00
(c) is \$500,000 or more but less than \$1,000,000	2,914.00
(d) is \$1,000,000 or more	3,640.00
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	90.00
11 Filing a process to commence proceedings in Class 4 of the Court's jurisdiction	639.00
12 Filing a process to commence proceedings in Class 5 of the Court's jurisdiction	639.00
13 Filing a process to commence proceedings in Class 6 or 7 of the Court's jurisdiction	188.00
14 Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i>	777.00
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	116.00 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	53.00
17 Making a copy of a document, for each page (minimum fee of \$10.00)	2.00

Land and Environment Court Regulation 2005

Court fees

Schedule 1

	\$
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 \$66.00)
	7.90
(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 \$78.00)
	9.00
(c)	for each diskette also supplied (in addition to fee under paragraph (a) or (b))
	5.40
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
	50.00
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
	50.00
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
	506.00
22	Supplying a duplicate tape recording of sound-recorded evidence, for each cassette
	43.00
23	To issue a subpoena (for production, to give evidence, or both)
	114.00 (in the case of a corporation) or 57.00 (in any other case)
24	Retrieving a document from archival storage, for each document
	26.00



New South Wales

Notice

under the

Road Transport (Heavy Vehicles Registration Charges) Act 1995

I, Michael Costa, the Minister for Roads, in pursuance of section 9 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, give notice that the maximum registration charges that may be imposed for the time being as calculated by the Australian Transport Council under the Agreement referred to in the *National Transport Commission Act 2003* of the Commonwealth are as set out in Schedule 1 to this Notice.

Dated, this 27th day of June 2005.

MICHAEL COSTA, M.L.C.,
Minister for Roads

Notice

Schedule 1 Maximum registration charges

Schedule 1 Maximum registration charges
1 Load carrying vehicles

Item	Vehicle type	2-axle	3-axle	4-axle	5-axle
1	Truck (type 1)	\$334	\$668	\$1,002	\$1,002
2	Truck (type 2)	\$557	\$890	\$2,225	\$2,225
3	Short combination truck	\$612	\$2,225	\$2,225	\$2,225
4	Medium combination truck	\$4,228	\$4,228	\$4,561	\$4,561
5	Long combination truck	\$5,840	\$5,840	\$5,840	\$5,840
6	Short combination prime mover	\$1,446	\$3,781	\$4,893	\$4,893
7	Medium combination prime mover	\$4,449	\$5,561	\$6,118	\$6,118
8	Long combination prime mover	\$5,561	\$5,561	\$6,118	\$6,118

2 Load carrying trailer, converter dolly and low loader dolly

The charge for a load carrying trailer, converter dolly or low loader dolly is \$334 multiplied by the number of axles of the trailer or dolly.

3 Buses

Item	Bus type	2-axle	3-axle	4-axle
1	Bus (type 1)	\$334	Not applicable	Not applicable
2	Bus (type 2)	\$557	\$1,390	\$1,390
3	Articulated bus	Not applicable	\$557	\$557

Notice

Maximum registration charges

Schedule 1

4 Special purpose vehicles

Item	Special purpose vehicle type	Charge
1	Special purpose vehicle (type p)	No charge
2	Special purpose vehicle (type t)	\$223
3	Special purpose vehicle (type o)	\$278, plus \$278 times the number of axles in excess of 2

5 Vehicles in 2 or more categories

If a vehicle falls within 2 or more categories, the charge for the vehicle is the higher or highest of the charges applicable to the vehicle.