

LAND AND ENVIRONMENT COURT

Contact: Registry
Address: Windeyer Chambers
255 Macquarie Street
Sydney NSW 2001
Telephone: 02 9228 8388
Facsimile: 02 9235 3096
Website: <http://www.lawlink.nsw.gov.au/lec>
E-mail: lecourt@agd.nsw.gov.au

Fee Exemption: No
Fee Waiver: Yes: Postponement and/or Waiver for pro bono schemes, pensioners, community legal centre assisted parties, and on application to the Registrar.

Fees of the Land and Environment Court

Regulation 4 and Schedule 1 of the *Land and Environment Court Regulation 2005* sets out the fees to be taken in respect of matters in the Land and Environment Court including filing, copying and subpoena issuing fees.

Fees Not Payable

Regulation 6 of the *Land and Environment Court Regulation 2005* sets out circumstances in which a fee is not payable. The regulation should be checked prior to paying fees

Fee Exemption

There are no categories of fee exemption in the Land and Environment Court.

Fee Waiver/Postponement

Under regulation 7 of the *Land and Environment Court Regulation 2005*, in certain circumstances any fee payable may be postponed until after judgment, and depending on the judgment may not be payable at all.

The taking of filing fees is to be postponed until the judgement if the process is filed by or on behalf of:

- a "pro bono party" to the proceedings
- a "pensioner party" to the proceedings
- a "legally assisted party" to the proceedings.

A "Pro Bono Party" to proceedings is someone represented under the pro bono scheme

the Law Society of New South Wales or the pro bono scheme of the NSW Bar Association, where the solicitor or barrister;

- a. certifies, in writing, to the Registrar or clerk, that the party is being so represented, and
- b. undertakes to pay the fee, if at the conclusion of the proceedings they are required under the regulation.

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.

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*

The fee must be remitted, if taken from a party that satisfies the regulations and is entitled to a waiver.

If the applicant does not fall into one of the above categories, under regulation 8 of the *Land and Environment Court Regulation 2005*, provision is made for the Registrar to waive the whole or any part of a fee subject to any conditions.

Procedure

All parties requesting waiver or postponement must complete a Request form. The Request form is attached (2 pages). The form can be found online at

[http://www.lawlink.nsw.gov.au/lawlink/lec/ll_ec.nsf/vwFiles/Fee_Waiver_Application.doc/\\$file/Fee_Waiver_Application.doc](http://www.lawlink.nsw.gov.au/lawlink/lec/ll_ec.nsf/vwFiles/Fee_Waiver_Application.doc/$file/Fee_Waiver_Application.doc)

If a request for postponement is being made subject to regulation 7(2), an additional Affidavit as to Income, Assets and Liabilities must be completed. The Affidavit is page 2 of the Request form.

Additional documentary evidence will be required to support the application. The form must be forwarded to the Registrar for decision.

To update this manual:

Visit the 'Forms and Fees' page from the Land and Environment Court homepage.

http://www.lawlink.nsw.gov.au/lawlink/lec/ll_ec.nsf/pages/LEC_forms

**REQUEST FOR WAIVER, POSTPONEMENT OR REMISSION OF FEES
IN THE LAND AND ENVIRONMENT COURT**

To: The Registrar
Land and Environment Court of NSW
GPO BOX 3565, SYDNEY NSW 2001

PART A – All applicants to complete this section

APPLICANT _____ TELEPHONE _____

ADDRESS _____

COURT FILE NUMBER _____

PARTIES _____

WHAT IS THE FEE FOR? _____

Please tick the boxes that apply to you

I am **not** legally represented ® **complete Parts B & C**

I am legally represented by:

A private practitioner ® **complete Parts B & C**

The Law Society or Bar Association as part of their pro bono scheme (written undertaking from legal practitioner must be attached) ® **complete Part C**

I am receiving legal assistance through a community legal centre (attach assistance letter) ® **complete Part C**

I am the holder of a current Commonwealth Health Concession card (provide card to Registry staff) ® **complete Part C**

PART B

I am requesting that the fee of \$ _____ be:

Waived / Refunded (circle whichever appropriate) on the basis of financial hardship / other grounds _____
(please specify)

Reduced to the sum of \$ _____

Postponed until _____

Make sure you provide a sworn Affidavit as to Income, Assets & Liabilities (form attached).

PART C – All applicants to complete this section

Applicant's signature _____

Date _____

Note

You must complete an affidavit in support of your request unless you are a pro bono party (being represented under the NSW Law Society or Bar Association pro bono scheme), pensioner party (holder of a current Health Concession card) or legally assisted party (receiving assistance through a community legal centre).

FOR OFFICE USE ONLY

The fee of \$ _____ is:

Waived

Remitted, the amount of \$ _____ is to be paid on or before _____

Postponed to be paid _____ (usually within 2 weeks of conclusion of proceedings
subject to specific exemptions for pensioner / legally assisted or pro bono parties)

The following supporting documentation has been sighted by me _____ (indicate type of documentation – eg license, tax return, concession card, or bank statement).

Signature _____ Name of Officer _____ Date _____ Postponed fee register no. _____

