



**Land and Environment
Court**
of New South Wales

**Litigants in Person
in the
Land and
Environment
Court of
New South Wales**

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WELCOME TO THE LAND AND ENVIRONMENT COURT

A person who is entitled to appear before the Court may appear in person, or by a barrister or solicitor, or (except in proceedings in Class 5, 6, or 7 of the Court's jurisdiction) by an agent authorised by the person in writing.¹

Decided cases require that unrepresented litigants must be treated with courtesy and compassion. It is also the duty for the court or tribunal to act judicially and be conscious of the fact that undue interference in the manner in which a party conducts his case may be counter-productive. The neutrality of the judicial role in the adversarial system restricts the assistance, which the judge can properly give to the litigant in person.

We will be happy to help you if we can, however there are some things, which we cannot help you with, as we are required to be fair to everyone and not take sides.

This is a list of some things the court's staff can and cannot do for you.

We can:

- provide you with a list of telephone numbers where you may seek free legal advice, and the contact details of the NSW Law Society lawyer referral service
- explain and answer questions about how the court works
- give you general information about court rules, procedures and practices
- provide court lists and information about how to get a case listed
- give you information about your case file
- give you samples of court forms that are available
- answer questions about where to access court decisions

We cannot:

- *tell you whether or not you should bring your case to court*
- *tell you what words to use in your court papers, however we will check your papers for completeness, for example, we check for signatures, correct case number, hearing details and parties*
- *tell you what to say in court*
- *give you an opinion about what will happen if you bring your case to court*
- *talk to the Judge or Commissioner for you*
- *let you talk to the Judge or Commissioner outside of court*
- *change an order signed by a Judge or Commissioner*

This information package is meant to assist Litigants in Person who may be appearing, or considering appearing at the Court without legal representation. The package of information has been collated to provide basic information and contact details, but does not convey legal advice of any description. Litigants should refer to the Free Legal Assistance and Referral Guide in this document when considering independent legal advice.

¹ Section 63 Land and Environment Court Act 1979 (NSW)

ABOUT THE COURT'S JURISDICTION

The *Land and Environment Court Act 1979* (the Act) gives the Land and Environment Court (the Court) the power to determine environmental, development, building and planning disputes. It has the same status as the Supreme Court of New South Wales.

The Court has six judges who have the same status as judges of the Supreme Court. It also has ten commissioners who have relevant expertise and / or qualifications in planning and development (such as engineering, architecture, town planning and valuation) as set out in the Act.

The Court hears three general categories of proceedings. Proceedings can be:

- A merits review of an administrative decision. These matters do not involve a breach of law. The Court stands in the shoes of the original decision maker and re-hears the merits of the decision. Re-hearing the merits of a decision involves looking at whether a decision was right or wrong. Issues in dispute can be about an application to council for a development, a council order, a compensation for acquisition of land by state agencies, valuation of land, and land claims.
- Proceedings to enforce civil rights, whether from a breach or threatened breach of the law. Issues in dispute can be about compliance with the conditions of consent on a development application, a declaration and / or an order to restrain a breach of environmental law.
- Criminal proceedings involving environmental offence(s), which may result in a penalty such as a fine or imprisonment.

In disputes about the merits of a decision - usually a decision made by local council - the Court hears the dispute afresh and reconsiders the merits of the decision that was originally made. In these proceedings parties may choose to give new evidence if they wish. The Court has all the powers, functions, and discretions of the original decision maker, and its decision replaces the original decision. Parties pay their own cost of the proceedings, but in fair and reasonable circumstances the Court may choose to order one party to pay the legal costs incurred by the other party. These types of disputes are usually heard by Commissioners of the Court, and make up the majority of disputes lodged with the Court (71% of the matters filed with the Court in 2003).

The Court also conducts judicial review of decisions. These decisions are usually made by council, but also can be made by the Court. Generally these proceedings do not look at whether the original decision was good or bad. Instead, the Court will examine whether the correct legal process was followed in making the decision, or whether the decision maker had the legal power to make the decision in the first place. In a judicial review, the Court will not substitute its decision for the original decision. Where the Court decides that the original decision maker had no power to make the decision, the original decision will be declared invalid and there it will end. However if the Court concludes that the decision maker had the power but did not follow the correct procedures, there is still the opportunity for the original decision maker to decide the matter again – this time following the right procedures.

The Court has power to hear disputes about environmental crimes. Civil enforcement of these crimes can be sought by individuals, and can be obtained where the Court decides to issue an order to prevent or stop a breach of legislation. However criminal enforcement of environmental crimes is usually by the Environment Protection Authority, who is usually

the prosecutor of environmental offences. Criminal enforcement may also result in a penalty being imposed, such as a fine or imprisonment.

Disputes requiring review of an administrative decision can be heard by commissioners or judges. Disputes involving either judicial review, civil or criminal enforcement can only be heard by a Judge of the Court.

For all disputes, parties may use expert or other witnesses when presenting their case. There are guidelines issued by the Court with respect to expert witnesses in the form of 'Practice Directions' that are available from the Court's website.

LEGAL ADVICE AND ASSISTANCE – A REFERRAL GUIDE

The Land and Environment Court of New South Wales has compiled a referral guide for those persons who would like to be legally represented and cannot afford it. The agencies detailed below may be able to provide legal advice or assistance on a no fee or reduced fee basis. Please note that the guidelines of individual legal assistance organisations will apply. This list also includes reference to agencies that can provide you with contact details for solicitors and other practitioners.

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| LawAccess NSW | From the website: “LawAccess NSW is a free service providing a single point of access to legal and related assistance services in New South Wales. Our main job is to help our customers to find the information and services that are best able to assist with legal problems and questions”. | LawAccess NSW PO Box 620 PARRAMATTA NSW 2124 | Tel 1300 888 529 Fax (02) 8833 3101 TTY 1300 889 529 Translating and Interpreter Service: 131 450 (ask interpreter to contact LawAccess on your behalf) Web: http://www.lawaccess.nsw.gov.au/ |
| The Law Society of NSW - Solicitor Referral Service | The telephone service provides basic legal information and pre-recorded information on common legal problems. The Service can refer callers to private law firms practising in a particular area of law in a location convenient to the caller, and to firms with solicitors or staff who speak community languages. | 170 Phillip St SYDNEY NSW 2000 | Tel (02) 9926 0300 or 1800 422 713 for rural clients Email: cad@lawsocnsw.asn.au Web: http://www.lawsociety.com.au/page.asp?partID=6729 |
| Albury Wodonga Community Legal Service | A community legal centre with a catchment area covering North East Victoria and the Southern Riverina of New South Wales. | 29 Stanley St WODONGA VIC 3690 | Tel (02) 6056 8210 Fax (02) 6022 8099 Email: cls@umfc.com.au Web: http://www.liv.asn.au/public/finda/clc/clc-Albury.html |
| Blue Mountains Community Legal Centre Inc | A non-profit community organization set up to assist people in the Blue Mountains, Lithgow and Bathurst areas to access legal services. The website information says <i>“We are not a legal aid office, and although we receive funding from the Federal and State governments, we are not run by either government”</i> | 4 Station Street KATOOMBA NSW 2780 | Tel (02) 4782 4155 Web: http://www.lisp.com.au/~bmclc/ |
| Campbelltown Legal Centre | An independent community organisation. The Legal Centre provides free legal advice and assistance for the local community. | 4 Broughton St or PO Box 798, CAMPBELLTOWN NSW 2560 | Tel (02) 4628 2042 Fax (02) 4628 0771 Email: Campbelltown_NSW@fcl.fl.asn.au Web: http://campbelltownclc.fl.asn.au/ |

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| <p>Central Coast Legal Centre</p> | <p>Provides legal advice, information, referral and in some instances representation. Advises on family law, criminal law, domestic violence, credit and debt, youth law, discrimination and other civil matters. Telephone and face to face advice by appointment.</p> | <p>P.O. Box 246 WYONG NSW 2259</p> | <p>Tel (02) 4353 4988 Fax. (02) 4353 4680 Email: Central_Coast_NSW@fcl.fl.asn.au</p> |
| <p>Community Justice Centres</p> | <p>Community Justice Centres provide free mediation and conflict management services to help people resolve disputes. Funded by the NSW Government as part of the NSW Attorney General's Department, services are confidential, voluntary, timely and easy to use. Services are provided throughout New South Wales. Matters suitable for mediation are family and neighbour disputes, some workplace disputes and financial disputes.</p> | <p>CLCs Directorate (Head office): Level 5, Parramatta Justice Precinct, 160 Marsden St, PARRAMATTA NSW 2150</p> <p>(Locked Bag 5111, Parramatta, NSW 2124)</p> | <p>For details of your nearest CJC: Tel: 1800 990 777 or (02) 8688 7455 TTY: 1800 671 964 Fax: (02) 8688 9615 Email: cjc_info@agd.nsw.gov.au Or determine the nearest Centre via: Web: www.cjc.nsw.gov.au</p> |
| <p>Western NSW Community Legal Centre Inc.</p> | <p>Provides free legal advice, referral, some casework and community legal education to people living in the Orana and Western region of NSW. This is done by telephone and face-to-face appointments and with regular outreach visits across the region.</p> | <p>PO Box 1493 DUBBO NSW 2830</p> | <p>Tel (02) 6884 9422 Tel 1800 655 927 (toll free) Fax (02) 6884 9397 Email: western_nsw@fcl.fl.asn.au</p> |
| <p>Environmental Defenders Office [NSW]</p> | <p>The EDO is a non-profit, non-government community legal centre that helps individuals, community groups and environment organisations to protect the natural and built environment. The EDO provides free initial legal advice by telephone, but is only able to represent people where the matter involves public interest issues (rather than impacts on private interests, such as a person's own property); and important environmental values</p> | <p>EDO NSW (Sydney) Level 1 89 York Street, SYDNEY 2000</p> <p>EDO Northern Rivers PO Box 212 LISMORE NSW 2480</p> | <p>Tel (02) 9262 6989 Fax (02) 9262 6998 1800 626 239 Environmental Law Line for rural clients</p> <p>Tel 1300 369 791</p> <p>Email: edonsw@edo.org.au</p> <p>Web: http://www.edo.org.au/</p> |

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| | (such as threatened species, pollution or native vegetation). | | |
| Hawkesbury Nepean Community Legal Centre | Centre offers free legal advice and advocacy to people in the Hawkesbury/Penrith area, including a generalist advice service covering most areas of law. | 13 Bosworth Street RICHMOND NSW 2753 | Tel (02) 4588 5618 Fax (02) 4588 5671 Email: Hawkesbury_NSW@fcl.fl.asn.au |
| Hunter Community Legal Centre | Provides free legal advice and referral for people in Newcastle, Lake Macquarie, Port Stephens, the Upper and Lower Hunter, and Great Lakes district. | PO Box 84 NEWCASTLE NSW 2300 Outreach clinics from various areas. | Tel: 02 4926 3329 or toll free: 1800 650 073 (rural callers) TTY: 02 4927 8908 Fax: 02 4929 7996 Email: Hunter_NSW@fcl.fl.asn.au |
| Illawarra Legal Centre | Provides free legal and related information, advice and representation to residents of the Illawarra Region and some surrounding areas. | 7 Greene Street or PO Box 139, WARRAWONG NSW 2502 | Tel (02) 4276 1939 Fax (02) 4276 1978 TTY (02) 4274 6956 Email: Illawarra_NSW@fcl.fl.asn.au |
| Inner City Legal Centre | Provides referrals and assistance to people who live and/or work in the inner city and surrounding areas. | Level 2, Room 31-32, 94 Oxford St DARLINGHURST NSW 2010 | Tel (02) 9332 1966 Fax (02) 9360 5941 Email: inner_city@fcl.fl.asn.au |
| Kingsford Legal Centre | Provides free legal service for Randwick/ Botany (LGA) residents unable to afford a private solicitor. | 11 Rainbow St KINGSFORD NSW 2032 | Tel (02) 9398 6366 TTY (02) 9314 6430 Fax (02) 9399 6683 Email: legal@unsw.edu.au Web: http://www.law.unsw.edu.au/centres/klc |
| Kirribilli Neighbourhood Centre | Book for a twenty minute appointment with a solicitor for free legal advice on a range of matters including credit/debt, family law, criminal matters, motor vehicles, wills and small business. | 16-18 Fitzroy St KIRIRIBILLI NSW 2061 | Tel (02) 9922 4428 Fax (02) 9956 7562 Web: http://www.kncsydney.org/index.php?content=community.html - legal |
| Legal Aid Commission | The Legal Aid Commission provides a free legal advice service at all Legal Aid offices. From the website: "To get free face-to-face legal advice just call your closest Legal Aid office and make an appointment to see a lawyer. Legal advice is not means tested and you do not need to apply for a grant of legal aid to get free legal advice. Advice is usually limited to about 15 | Head office: 323 Castlereagh St SYDNEY NSW 2000 Branch Offices in various suburbs | Tel (02) 9219 5000 TTY (02) 9219 5700 Fax (02) 9219 5935 Web: http://www.legalaid.nsw.gov.au/asp/index.asp?pgid=1 |

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| | minutes so our lawyers can see as many people as possible. If you need an interpreter, we can provide one for free”. | | |
| Legal Information Access Centre | LIAC is a state-wide service providing free access to information about the law through the State Library and NSW public libraries, including Public Library LIACs. | State Library of NSW Macquarie St SYDNEY 2000 | Tel (02) 9273 1558 Fax (02) 9273 1250 Email: liac@sl.nsw.gov.au "Send LIAC your enquiry by email. Make sure you tell us your name, your contact phone number, and where you live. We might be able to recommend other good legal services in your area." Web: http://liac.sl.nsw.gov.au/advice/ |
| Manly Community Centre | Local solicitors provide a free legal service coordinated by the NSW Law Society. The service operates from 6.00pm to 8.00pm each Thursday and the third Saturday of every month from 10.00am to 12 Noon. No appointment is necessary. | 12 Wentworth St MANLY NSW 2095 | Tel: (02) 9977 1066 Fax: (02) 9977 6810 Email: mcc1@bigpond.net.au Web: http://www.manly.nsw.gov.au/Page.asp?z=3&c=46&p=123 |
| Marrickville Legal Centre | Provides free legal advice and assistance to individuals and community organisations in the inner west area of Sydney. | 338 Illawarra Rd MARRICKVILLE NSW 2204 | Tel (02) 9559 2899 Fax. (02) 9558 5213 Email: mlc@fl.asn.au Web: www.mlc.asn.au |
| Mt Druitt and Area Community Legal Centre Inc. | Provides free legal advice, casework and referral to people who live in the Blacktown local government area and the East Ward of the Penrith local government area. | PO Box 93 Rooty Hill NSW 2766 | Tel (02) 9675 2009 Fax (02) 9675 2110 |
| North and North West Community Legal Service | Free legal service for the New England and Nth West region. Provides information, advice and referral. Outreach Services in the region including Moree, Glen Innes, Inverell & Gunnedah. | 129 Rusden St ARMIDALE NSW 2350 | Tel (02) 6772 8100 or Toll free 1800 687 687 Fax (02) 6772 8107 Email: North_NW_NSW@fcl.fl.asn.au Web: nwls@northnet.com.au |
| Northern Beaches Neighbourhood Service | The Centre provides legal advice and assistance to residents of the Northern beaches of Sydney, Thursday evenings 6-8pm. | 30 Howard Ave DEE WHY NSW 2099 | Tel: (02) 9931 7777 Fax: (02) 9981 2839 |
| Northern Rivers Community Legal Centre | The Centre provides free legal advice for residents within the Northern Rivers | PO Box 212 LISMORE NSW 2580 | Tel (02) 6621 1000 or 1800 689 889 |

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| | region from Grafton to Tweed Heads. Outreach service to Byron Bay, Nimbin, Ballina, Murwillumbah, Mullumbimby and Casino. | | Fax (02) 6622 3288 Email: nrclc@spot.com.au |
| Public Interest Advocacy Centre (PIAC) | From the website: "The Public Interest Advocacy Centre is an independent, non-profit legal and policy centre. PIAC makes strategic interventions in public interest matters to foster a fair, just and democratic society and to empower citizens, consumers and communities." | 1st Floor 46-48 York St SYDNEY NSW 2000 | Tel (02) 9299 7833 Fax (02) 9299 7855 Email: piac@piac.asn.au Web: http://piac.asn.au |
| Redfern Legal Centre | Free advice on any legal or welfare matter to individuals and organisations in the South Sydney, Sydney, Botany and Leichhardt Council areas. | 73 Pitt Street, REDFERN NSW 2016 | Tel (02) 9698 7277 TTY (02) 9699 8037 Fax (02) 9310 3586 Email: Redfern_NSW@fcl.fl.asn.au Web: www.rlc.org.au |
| Shoalcoast Community Legal Centre | Provides free legal advice and advocacy for a range of individuals and groups in the Shoalhaven and Far South Coast, especially those on low incomes or otherwise disadvantaged in their access to justice. | 50 Junction St NOWRA NSW 2541 | Tel (02) 4422 9529; Fax (02) 4422 7573 Email: info@shoalcoast.org.au Web: www.shoalcoast.org.au |
| South West Sydney Legal Centre | Provides free legal advice, assistance and referrals on most legal matters to people who live in the Liverpool, Bankstown or Fairfield local government areas. | 30 Pirie St LIVERPOOL NSW 2170 | Tel (02) 9601 7777 TTY (02) 9601 3835 Fax (02) 9601 7400 Email: Southwest_Sydney@fcl.fl.asn.au |

LAND AND ENVIRONMENT COURT OF NSW

Court Fees effective 1 August 2011 (note fee 22 commences on 1 January 2012)

| | Initiating Process | Standard | Corporation |
|---|---|----------|-------------|
| 1 | Filing an originating process in Class 1 of the Court's jurisdiction (other than an originating process referred to in item 2) | \$807 | \$1,614 |
| 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 | \$807 | \$1,614 |
| | (b) is \$500,000 or more but less than \$1,000,000 | \$3,692 | \$4,902 |
| | (c) is \$1,000,000 or more | \$4,611 | \$6,126 |
| 3 | Filing an originating process in Class 2 of the Court's jurisdiction (Other than an originating process referred to in item 4) | \$807 | \$1,614 |
| 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> | \$212 | \$424 |
| 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) | \$807 | \$1,614 |
| 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 | \$284 | \$568 |
| | (b) is \$500,000 or more but less than \$1,000,000 | \$447 | \$894 |
| | (c) is \$1,000,000 or more | \$807 | \$1,614 |

| | | | |
|----|---|---|---------------------------------------|
| 7 | Filing an originating process in Class 3 of the Court's jurisdiction where the matter relates to a claim for compensation 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 (b) is \$500,000 or more but less than \$1,000,000 (c) is \$1,000,000 or more | \$807 \$3,692 \$4,611 | \$1,614 \$4,902 \$6,126 |
| 8 | Filing an originating process in Class 4 of the Court's jurisdiction | \$807 | \$1,614 |
| 9 | Filing an originating process in Class 5 of the Court's jurisdiction | \$807 | |
| 10 | Filing an originating process in Class 6 or 7 of the Court's jurisdiction | \$807 | |
| 11 | Filing an originating process in Class 8 of the Court's jurisdiction | \$212 | \$424 |
| 12 | Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i> | \$1,887 | \$3,774 |
| 13 | Filing a notice of motion | \$187 | \$374 |
| | Documents | | |
| 14 | Issuing a subpoena (for production, to give evidence, or both) | \$72 | \$144 |
| 15 | Receipt by the registrar of a document or thing produced in compliance with a notice to produce under Part 34 of the <i>Uniform Civil Procedure Rules 2005</i> | \$72 | \$144 |
| 16 | Filing or registering a copy or certificate of a judgment, order, determination, decree, adjudication or award of any other court or person under section 133 of the <i>Civil Procedure Act 2005</i> | \$80 | \$160 |
| | Copies | | |
| 17 | Furnishing one or more sealed or certified copies of a judgment or order, or of the written opinion or reasons for opinion of any judicial or other officer of the court | \$53 | |
| 18 | Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by item 17, 19 and 21) | \$11.10, plus \$5.50 for each 10 pages (or part of 10 pages) after the first 20 pages | |
| 19 | Retrieving and providing access to, but not furnishing a copy of, any document | Nil | |

| | | | |
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| 20 | Supplying a duplicate tape recording or CD of sound-recorded evidence | \$45.50 | |
| 21 | Supplying a transcript of any proceedings: | | |
| | (a) where the matter being transcribed is under 3 months old | \$79, plus an additional \$9.70 for each page after the first 8 pages | |
| | (b) where the matter being transcribed is 3 months old or older | \$97, plus an additional \$11 for each page after the first 8 pages | |
| | File Retrieval | | |
| 22 | Retrieving and providing access to, but not furnishing a copy of, any file or box of files, where the file or box of files is retrieved from: | | |
| | (a) the Government Records Repository or any other off-site storage facility (other than the State Archives): | | |
| | (i) standard retrieval request | \$12 per file or box of files | |
| | (ii) non-standard retrieval request (including an urgent, high or after hours priority retrieval request or a retrieval request for delivery to or from a regional location outside the Sydney metropolitan area) | Such additional fee incurred by a court | |
| | (b) the State Archives—standard retrieval request | \$30 per file or box of files | |
| | Other | | |
| 23 | Requesting production to the court of documents held by another court | \$53 | \$106 |
| 24 | Providing any service for which a fee is not otherwise imposed by this Schedule | \$37 | \$74 |
| | After Hours | | |
| 25 | Opening, or keeping open, the registry or part of the registry: (a) on a Saturday, Sunday or public holiday; or (b) on any other day before 8.30 am or after 5 pm | \$636 | \$1,272 |

Application to Postpone, Waive or Remit Court Fees



You can use this form to:

Apply to Postpone, Waiver or Remit Court Fees associated with NSW Courts.

How to complete this form:

To complete the form you must first select the Court, Application Type and Grounds for your application.

You must complete this form every time you cannot pay a fee in your proceedings, even if you are:

- receiving Centrelink payments
- legally aided
- receiving pro bono assistance in civil proceedings

Completed applications will be determined by an authorised person in accordance with the Attorney General's Guidelines on Fee Waiver. A copy of the guidelines can be downloaded from the publications section of the www.lawlink.nsw.gov.au/ucpr website, or upon request from registry staff.

Fields marked with an asterisk (*) must be completed before your form can be processed.

Section 1 - Application Type

Which court are you applying in? *

Land and Environment

What type of application are you making? *

Postpone

Reason(s) for making this application? *

- I cannot afford to pay the fee, nor can I obtain credit on reasonable terms
- I am on a pension and have a Commonwealth health concession card
(Please attach a copy of your current health concession card or provide a copy to registry)
- I am receiving legal aid, pro bono representation or community legal representation
- Other reasons for making this application
 - I am currently in custody and representing myself in this proceeding
 - I am seeking Postponement on compassionate grounds
fee
 - Other (you will be required to provide a description in the Other Grounds section below)

Note: Continue online or select 'Print' for a paper copy

Application to Postpone Payment

You can use this section of the form if:

- you cannot pay the filing fee required to start your proceedings, or
- you cannot pay a fee in your ongoing court proceedings.

Fields marked with an asterisk (*) must be completed before your form can be processed.

Section 2 - Personal Details

Title

Given Name *

Family Name *

Date of Birth *

Address Line 1 *

Case Number (if known)

Your role in the proceedings

Type of proceedings

Civil Criminal

Fee Type

(e.g. transcript, summons, notice of motion, photocopying)

Amount you are seeking to be Postponed (if known)

Section 4 - Legal Representative

I certify that I am providing legal services

- on a pro bono basis in the above proceedings
 through an appointment by the legal aid commission in the above proceedings
 through a community legal centre in the above proceedings

Signature of legal representative / pro bono lawyer *

| | | |
|-----------|---|--|
| Sign Here |  | |
|-----------|---|--|

Print Name (legal representative / pro bono lawyer)

Date

Section 5 - Statutory Declaration of Financial Details

I, (name)

of (address):

solemnly and sincerely declare:

1. The statement of my financial circumstances and any previous applications to postpone payment of a court fee outlined below is correct to the best of my knowledge and belief.
2. I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths Act 1900

Declared this: (date)

At: (suburb or town)

Note: False statements in this application or a failure to fully disclose your income, assets and liabilities may result in legal proceedings against you.

Section 5a - My Weekly Income

My Occupation

My Weekly Income

Social security benefits / pensions (include family payments etc)

Weekly Value

Your average income after tax, from salary or wages

Other Forms of income

Self-Employed Income

Interest

Dividends

Rent

Trust distributions

Other

TOTAL

Section 5b - My Property

My Property

Home

Estimated Value

Other property

Funds in banks / financial institutions, including funds held in off-set accounts

Investments

Motor vehicle

Household contents

Other personal property

TOTAL

Section 5c - My Liabilities

My Liabilities

Estimated weekly basic living expenses
(e.g. food, household supplies, utilities,
rent)

Name of Bank / Institution

Amount owed

Other Liabilities

Home mortgage

Other loans

Credit cards

Motor vehicle

Other liabilities (Specify)

TOTAL

0

Section 5d - Liability Details

- Does anyone contribute to paying these liabilities (e.g. your spouse / partner)?
- Do you have any dependants?

Section 5e - Fee Postponement and Waiver History

Have you had fees postponed or waived previously in this court? *

- No, I have not had any court fees postponed or waived in this court.
- Yes. Please provide further information below. You may tick more than one box.

Section 6 - Other Grounds for Seeking Postponement of Fees

Please specify ;you may attach additional pages if there is insufficient space below *

Section 7 - Applicant Statement and Signature

- I confirm that the information I have provided in this application is accurate and truthful.
- I am aware failure to fully disclose my income, assets and liabilities under Statutory Declaration of Financial Details section may result in legal proceedings against me.
- I acknowledge that failure to provide the details requested on this form will delay assessment of my application.

Applicant signature *

| | |
|-----------|--|
| Sign Here | |
|-----------|--|

Date

AFFIDAVIT AS TO INCOME, ASSETS & LIABILITIES

I, (Applicant's name) _____ make oath/affirm and say that the facts and figures set out below and in any annexures are true and correct to the best of my knowledge, information and belief. The following is a true statement of my assets, income and liabilities. I have no other assets, income or any interest in superannuation funds or estates, other than those set out in this affidavit.

INCOME

| | | | |
|----------------|--|------|--------------------------|
| \$ | | p.w. | Net (wage or equivalent) |
| Balance | | | |
| \$ | | p.w. | Social Security |
| \$ | | p.w. | Family Allowance |
| \$ | | p.w. | Income spouse / partner |
| \$ | | p.w. | Other income (specify): |
| \$ | | p.w. | Other income (specify): |
| \$ | | p.w. | TOTAL |

OTHER DEBTS & LIABILITIES

(credit cards and personal loans)

| | | <u>Amount of repayment</u> | <u>Owing to</u> |
|----|--|----------------------------|-----------------|
| \$ | | p.w. | |
| \$ | | p.w. | |
| \$ | | p.w. | |
| \$ | | p.w. | |
| \$ | | \$ | p.w. |
| \$ | | | TOTAL |

Name and address of Employer:
Social Security/Pension reference number:

Name of Agency Paying Benefit:

REGULAR EXPENSES

| | | |
|----|------|--------------------------------|
| \$ | p.w | Mortgage repayment |
| \$ | p.w | Rent |
| \$ | p.w | Board |
| \$ | p.w | Rates (Council & water) |
| \$ | p.w | Food |
| \$ | p.w | Gas and Electricity |
| \$ | p.w | Telephone |
| \$ | p.w | Fares |
| \$ | p.w | Petrol |
| \$ | p.w | Motor vehicle running expenses |
| \$ | p.w | School expenses |
| \$ | p.w | Insurance/Superannuation |
| \$ | p.w | Hospital / Medical Funds |
| \$ | p.w | Child support |
| \$ | p.w | Other expenses not included |
| \$ | | Please specify: |
| \$ | p.w. | TOTAL |

details:

HOUSE OR LAND

Value House or land \$
Mortgage owing \$
Due to:

Location of Property:

OTHER PROPERTY/ASSETS

| <u>Value</u> | |
|--------------|------------------------|
| \$ | Motor Vehicle Reg. No: |
| \$ | Furniture |
| \$ | Electrical goods |
| \$ | Shares or investments |
| \$ | Jewellery |
| \$ | Computer |
| \$ | Collectibles |
| \$ | Other assets give |

BANK ACCOUNTS BUILDING SOCIETY ACCOUNTS

| <u>Balance of Account</u> | <u>Bank</u> | <u>Name of Branch</u> | <u>Account No:</u> |
|---------------------------|-------------|-----------------------|--------------------|
| \$ | | | |
| \$ | | | |
| \$ | | | |

How many dependants do you support (if any) ? _____

Affidavit sworn/affirmed at _____
in the State of New South Wales
this _____ day of _____ 20____
Before me:

Justice of the Peace/Solicitor

Applicant

GUIDE TO THE AVAILABILITY OF INTERPRETERS

General

Interpreters are used to assist LEC judicial officers (judges, commissioners and registrars) to ensure fair and effective court processes; to ensure that persons appearing before the Court can fully comprehend and effectively participate in proceedings, and help ensure the proper running of all cases before the Court;

For straightforward and simple registry enquiries, Court staff can assist you by contacting an interpreter officer via the **Community Language Allowance Scheme (CLAS)**. This service is subject to availability and does not extend to in-court assistance. The CLAS officer is only able to assist you with simple procedural enquiries and cannot give any legal advice.

Criminal proceedings

Parties involved in **criminal proceedings** (Classes 5,6 & 7 of the Court's jurisdiction) before the Court are eligible to apply for the cost-free assistance of an interpreter for all court appearances. This service is also available for all defence and prosecution witnesses (for hearings only) in these classes of proceedings;

It is the responsibility of parties involved in **criminal proceedings** outlined above, to inform the Court registry in advance of the need for interpreter services. The Registry of the LEC will attend to the booking arrangements with the Community Relations Commission (CRC), the principal provider of interpreting services for state government agencies. The booking request must be received *at least 72 hours (3 days)* prior to the court appearance. The costs associated with the interpreting service will be met by the Community Relations Commission (CRC).

Civil proceedings

Parties involved in **civil proceedings** (Classes 1, 2, 3, & 4 of the Court's jurisdiction) before the Court are not automatically eligible for cost-free assistance of interpreter services. Registry staff will assist you by giving you the contact details (see below) for the Community Relations Commission (CRC) to enable you to make the necessary private arrangements;

Parties involved in **civil proceedings** (see above) are advised that the Community Relations Commission (CRC) has *fee exemption guidelines*. You are advised to contact the CRC to obtain further details:

| | |
|--------------------|---|
| Postal Address | Community Relations Commission, Locked Bag 16, Strawberry Hills NSW 2012 |
| Street Address | Level 3, 128 Chalmers Street, Surry Hills (Near Central Station) |
| Phone | (02) 9384 4999 |
| Country free call | 1800 060 409 |
| Fax | (02) 9384 4984 |
| Website | www.crc.nsw.gov.au |
| Email | mail@csc.nsw.gov.au |
| Office Hours | 9am-5pm Monday to Friday |
| Access information | The office is wheelchair accessible, with a ramped entrance from Chalmers Street. The building has a toilet with disability facilities on the ground floor, near the lifts. |

Interpreters engaged by the CRC are bound by a strict code of ethics, which requires:

- Impartiality
- Disclosure of conflicts of interests
- Confidentiality
- Accuracy
- Competence
- Honesty, integrity and dignity
- Reliability and punctuality

DISABILITY ACCESS INFORMATION

The Attorney General's Department has a Disability Strategic Plan that aims to ensure that all members of the community have equal access to our services and programs.

If you or your witnesses have any special needs please contact the court prior to the hearing. We aim to make any adjustments that may reasonable required to accommodate these needs.

Examples of reasonable adjustments we can make:

- enlarging a document for a person with a vision impairment;
- providing documents in alternative formats for people who are blind;
- transferring court proceedings to an accessible court room for a person with a mobility impairment;
- serving a client with a hearing impairment in a quiet public location;
- explaining information in plain English and asking for feedback from a client with an intellectual disability to ensure their understanding.

We will endeavour to tailor our adjustments to suit the individual as we appreciate that each person will require different assistance.

Not every request for an adjustment from a client with a disability will be reasonable. However, we will consider all adjustments requested and consult with a manager before refusal.

To ascertain if an adjustment is reasonable we will:

- consider if the adjustment is achievable;
- consider Occupation Health & Safety requirements;
- not make promises we are not sure we can meet;
- not breach rules or regulations to make an adjustment;
- let you know if we have to check with the manager if we are not sure an adjustment is achievable.

We will not:

- physically lift a client up or down stairs as this may result in risk to us or you;
- make any requested adjustment that would put our safety or others' safety at risk;

USER FEEDBACK - LAND AND ENVIRONMENT COURT SERVICES

We encourage and welcome feedback from users of the Land and Environment Court (LEC). Your views and comments will help us improve our services to litigants, legal profession, and the wider public.

Privacy disclaimer

The information submitted from this survey will only be used for the future planning and improvement of the services provided by the LEC. It will not be used for any other purpose. These details will not be passed onto other individuals or other organisations except, in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect the survey records.

How do you rate LEC services? (Please select one option – Excellent, Good, Average, Poor, Very Poor)

| Service | Excellent | Good | Average | Poor | Very Poor |
|----------------------------------|-----------|------|---------|------|-----------|
| Courtesy | | | | | |
| Helpfulness | | | | | |
| Responsiveness | | | | | |
| Accuracy of information | | | | | |
| Clarity of information | | | | | |
| Waiting time | | | | | |
| Access to and within building | | | | | |
| Court forms – easy to understand | | | | | |
| Guidance on court procedure | | | | | |
| Fee payment options | | | | | |

Is there any other aspect of LEC services you would like to rate us on? Please write the aspect or feature below and rate accordingly

Eg registry hours

| Service | Excellent | Good | Average | Poor | Very Poor |
|---------|-----------|------|---------|------|-----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Could we have been more helpful?

Are there any aspects of LEC services or LEC staff you found most helpful?

Suggestions for improving any aspect of our services

Any other comments?

About you (optional)

You are a

- Solicitor
- Barrister
- Represented litigant
- Self-represented litigant
- Court Administrator
- Member of the general public
- Other
- Please specify ⇒ _____

You live in

- Metropolitan NSW
- Non-metropolitan NSW
- Not in NSW
- Please specify ⇒ _____

INFORMATION ABOUT OUR WEBSITE

The court has a web site attached to the Attorney General's Department web site.

The address is: www.lawlink.nsw.gov.au/lec

The web site contains useful information about the court and the content is updated on a regular and continual basis. We do recommend that you consult the website for additional information in relation to Court practice and procedure.

The home page has the following links:

- Self-Help
- Latest News
- About Us
- Contact Us
- What's New?
- Forms & Fees
- Judgments
- Court Lists
- Practice & Procedure
- eCourt

New features of the website (re-launched in February 2005) include the following:

- Appeal information packages
- FAQs
- Planning principles
- Speeches library

If you have any suggestions about the website content, we would be happy to hear from you.

LAND AND ENVIRONMENT COURT CONTACT INFORMATION

Email address: lecourt@agd.nsw.gov.au

Registry hours – in person business
8.30 am – 4.30 pm

Registry Address:
Level 4, Windeyer Chambers
225 Macquarie Street
Sydney NSW 2000

Postal Address:
GPO Box 3565
Sydney NSW 2001



Telephone:
(02) 9113 8200

Facsimile
(02) 9113 8222

DX
264 Sydney

Regional Registries

All Local Courts in New South Wales are agents for the Registrar of the Land and Environment Court for the purposes of filing documents, including initiating applications and paying court fees.