



Land and Environment Court Rules (Amendment No 1) 2013

under the

Land and Environment Court Act 1979

The following rules of court have been made under the *Land and Environment Court Act 1979*.

The Honourable Justice B J Preston
Chief Judge

Explanatory note

The object of these Rules is to specify the information that an agent wishing to appear on behalf of a person in proceedings before the Land and Environment Court must provide to the person. The *Land and Environment Court Act 1979* provides that, in determining whether to grant leave for the person to appear by an agent, the Court is to consider whether the agent has provided this information to the person.

2013 No 50

Rule 1 Land and Environment Court Rules (Amendment No 1) 2013

Land and Environment Court Rules (Amendment No 1) 2013

under the

Land and Environment Court Act 1979

1 Name of Rules

These Rules are the *Land and Environment Court Rules (Amendment No 1) 2013*.

2 Commencement

These Rules commence on the day on which they are published on the NSW legislation website.

Schedule 1 Amendment of Land and Environment Court Rules 2007

Rule 7.7

Insert after rule 7.6:

7.7 Granting of leave for a person to appear by agent

- (1) For the purposes of section 63 (3) (a) of the Act, the following information is required to be provided by an agent to the person for whom the agent wishes to appear:
 - (a) that the person is under a duty to assist the Court to further the overriding purpose of facilitating the just, quick and cheap resolution of the real issues in the proceedings and, to that effect, to participate in the processes of the Court and to comply with directions and orders of the Court,
 - (b) that the person is under a duty to take reasonable steps to resolve or narrow the issues in the proceedings,
 - (c) that the agent must not, by the agent's conduct, cause the person to be in breach of a duty referred to in paragraph (a) or (b),
 - (d) that the Court may take into account any failure to comply with a duty referred to in paragraph (a), (b) or (c) in exercising a discretion with respect to costs,
 - (e) that the Court may make a costs order against the person in proceedings to which rule 3.7 applies if the Court considers it fair and reasonable in the circumstances and in any other proceedings if the person is unsuccessful,
 - (f) the knowledge and experience of the agent with respect to the type of matter that is the subject of the proceedings,
 - (g) whether the agent proposes to charge for the agent's services and, if so, the agent's proposed written costs agreement, a written estimate of the likely total of the agent's charges and the likely disbursements to be incurred by the person.
- Note.** Section 63 (3) of the Act provides that in determining whether to grant leave for a person to appear by an agent the Court is to consider:

 - (a) whether the agent has provided the person with the information required by the rules, and
 - (b) whether granting leave is in the best interest of the person.
- (2) Before the Court determines whether to grant leave for a person to appear before the Court by an agent, the agent must

2013 No 50

Land and Environment Court Rules (Amendment No 1) 2013

Schedule 1 Amendment of Land and Environment Court Rules 2007

acknowledge to the Court in writing, unless the Court waives the writing requirement, that the agent has provided the information referred to in subrule (1) to that person.