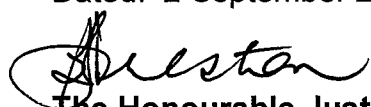


Delegation to Registrars under section 13 of the *Civil Procedure Act 2005*

Civil Procedure Act 2005

Pursuant to section 13 of the *Civil Procedure Act 2005*, I direct with effect from 2 September 2026 that a registrar of the Land and Environment Court (including a person acting as the registrar or as a deputy to the registrar) may exercise the functions of the Land and Environment Court as stated in Parts 1 to 3 of the schedule to this direction; and I revoke all earlier instruments made pursuant to section 13.

Dated: 2 September 2026



The Honourable Justice Brian J Preston AO SC
Chief Judge of the Land and Environment Court of NSW

SCHEDULE

Part 1

The functions of the Court as provided for in Column 1 but subject to the restriction (if any) mentioned in Column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction.

Civil Procedure Act 2005

Column 1	Column 2	Column 3
Section	Description	Restriction
Section 14	Dispense with rules in particular cases	
Section 26(1)	Referral to mediation	
Section 38(1)	Referral to arbitration	
Section 43	Order for rehearing of arbitration	
Section 45	Discontinuance of rehearing	
Section 61	Directions as to practice and procedure	
Section 62	Directions as to conduct of hearing	
Section 63	Directions with respect to procedural irregularities	
Section 64	Amendment of documents	
Section 65	Amendment of originating process expiration of limitations period	

Section 66	Adjournment of proceedings	
Section 67	Stay of proceedings	
Section 68	Attendance and production	
Section 70	Case management powers for informal proof and admissions	
Section 86	Orders and terms	
Section 98	Costs	
Section 99	Liability of legal practitioner for unnecessary costs	
Section 100	Interest up to judgment	In respect of a judgment given or entered under Part 16 of the Rules
Section 101	Interest after judgment	In respect of a judgment given or entered under Part 16 of the Rules
Section 107	Deferral of payments and payments by instalments	
Section 108	Order for examination of judgment debtor	
Section 134	Extension of period of enforcement of stale judgment	
Section 135	Directions as to enforcement	

Uniform Civil Procedure Rules 2005

Column 1	Column 2	Column 3
Section	Description	Restriction
Rule 1.9	Objections to production of documents	Restricted to those matters which a registrar may deal with
Rule 1.12	Extension and abridgment of time	
Rule 1.13	Fixing time	
Part 2	Case management generally	
Rule 4.10(4)	Rejection of documents	
Rule 4.13	Place for filing	
Part 5	Preliminary discovery	
Rule 6.1	Leave to take step without filing appearance	
Rule 6.5	Continuation of proceedings wrongly commenced by Statement of Claim	
Rule 6.6	Continuation of proceedings wrongly commenced by Summons	
Rule 6.16	Postpone return day in summons	

Rule 6.18	Leave to join causes of action
Rule 6.19	Leave to join parties in proceedings involving common question
Rule 6.20	Leave to join parties having joint entitlement
Rule 6.21	Stay proceedings until jointly liable persons added as defendants
Rule 6.22	Order separate trials or other order to avoid inconvenient joinder
Rule 6.24	Order joinder of parties
Rules 6.27 and 6.28	Join third party and determine date of commencement of proceedings relating to them
Rule 6.29	Order removal of party
Rules 6.30 and 6.31	Orders consequential on change of party in proceedings
Rule 6.32	Future conduct of proceedings
Rule 7.3	Leave to issue subpoena
Rule 7.15(5)	Leave to replace tutor in proceedings
Rule 7.18	Appointment and removal of tutor
Rule 7.21	Striking out appearance of defendant sued under a business name
Rule 7.22	Leave to proceed before amendment made
Rule 7.29	Withdrawal of solicitor
Rule 7.40	Application for leave
Rules 8.1 and 8.2	Venue and change of venue at which proceedings are heard
Rule 9.1	Time for making of cross-claim
Rule 9.8	Directions for cross-claims
Rule 9.9	Leave for cross-claim and proceedings to continue together
Rule 10.1	Service of filed documents
Rule 10.2	Service of affidavits
Rule 10.7	Orders as to the giving or service of notice by the Court
Rule 10.14	Substituted and informal service
Rule 10.15	Service by affixing copy of originating process in

	proceedings for possession of land	
Rule 10.16	Service by filing	
Rule 11.5	Leave to serve originating process outside Australia	
Rule 11.8AA	Leave to proceed when no appearance	
Rule 11.8AB	Leave to serve documents outside Australia	
Rule 12.1 and 12.3	Leave to discontinue	
Rule 12.4	Stay of further proceedings to secure costs of discontinuance of proceedings	
Rule 12.5	Leave to withdraw an appearance	
Rule 12.7(1)	Dismiss proceedings for want of due despatch by plaintiff	
Rule 12.8	Other grounds for dismissal	
Rule 12.10	Stay to secure costs after dismissal	
Rule 13.6	Dismiss for non-appearance of plaintiff	
Rule 14.2	Dispense with further pleadings	
Rule 14.3	Time for filing defence	
Rule 14.5	Further pleadings	
Rules 14.22 - 14.24	Verification of pleadings	
Part 15	Particulars	Except for an order to dismiss the proceedings under UCPR 15.16
Part 16	Default judgment	
Part 18	Motions	
Part 19	Amendment	
Part 20, Divisions 1 and 2	Mediation and arbitration	
Part 20, Division 3, Rules 20.14 – 20.23	References to referees	
Rule 20.34	Acknowledgement of a liquidated claim	
Part 21	Discovery/Inspection/Production	
Part 22	Interrogatories	
Rule 23.8	Inspection of property	
Rule 23.9	Default in compliance under Part 23	
Rules 24.3, 24.6, 24.9, and 24.14	Taking evidence otherwise than at trial	Except where the order is made under section 7 or section 10 of the Foreign Evidence Act.
Rule 28.5	Consolidation, etc	
Rule 29.3	Time and place of trial	

Rule 31.1	Manner of giving evidence at trial	
Rule 31.2	Evidence of witnesses at other hearings	
Rule 31.3	Evidence by telephone, video link or other communication	
Rule 31.4	Service of witness statements	
Rule 31.5	Notice under s 67 or s 99 of the Evidence Act	
Rule 31.7	Notice of foreign material	
Rule 31.16A	Return of exhibits	
Rule 31.19	Directions before calling expert witness	
Rule 31.20	Directions regarding expert witnesses	
Rule 31.32(3)	Abridge time for service of subpoena on medical witness	
Part 33	Subpoenas	
Part 34	Notice to produce at hearing	
Rule 35.1	Using irregular affidavit	
Rule 35.2	Cross-examination of Deponent	
Rule 35.9	Filing of affidavit	
Rule 36.1A	Consent Orders	
Rule 36.11	Entry of judgment or orders	
Rule 36.14	Service of sealed copy of judgment or order not required	
Rule 36.16(2)	Power to set aside or vary judgment or order	Setting aside default judgment
Rule 36.17	"Slip rule"	
Rule 36.18	Variation of judgment or order against party operating under unregistered business name	
Rules 37.3 and 37.4	Instalment orders	
Rule 37.6	Variation of instalment orders	
Rules 38.1 - 38.5	Examination of judgment debtor	
Part 39	Enforcement of judgments	
Rule 41.8(2)	Payment of interest accruing on money paid into Court	
Rule 41.9	Non-attendance of parties following notice by Court	
Part 42	Order for costs	
Rule 42.19	Costs of discontinued proceedings	
Rule 42.21	Security for costs	
Rule 42.28	Costs on instalment orders	
Part 46, Div 1	Accounts and enquiries	
Rule 50.5	Addition and removal of parties to appeal	

Part 2

The functions of the Court are provided for in Column 1 but subject to the restrictions (if any) mentioned in column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction.

Land and Environment Court Act 1979

Column 1	Column 2	Column 3
Part and/or section	Description	Restriction
Section 31 Section 34(1)	Irregularity of proceedings Arranging and notifying conciliation conference	Restricted to the specified powers of the Court in subsections (1)-(4)
Section 34AA	Mandatory conciliation and arbitration	
Section 35(3) Section 38 (2)	Furnishing copy of report Directions for the Court to inform itself on any matter in such manner as it thinks appropriate and as the proper consideration of the matters before the Court permits	
Section 38(4)	Direction as to the procedure to be followed re matter not dealt with by Act or Rules	
Section 39(2)	All the functions and discretions which the person or body whose decision is the subject of the appeal had in respect of the matter the subject of the appeal, which the court can exercise for the purposes of hearing and determining the appeal	Restricted to the functions and discretions a consent authority has in relation to the amendment of applications under the <i>Environmental Planning and Assessment Act 1979</i>
Section 41A(3)	Power to determine proceedings are not to be dealt with or are not to continue to be dealt with	
Sections 63(2) and (3)	Appearance of person by an agent	
Section 68(1) Section 75	Power to order amendments Dispensing with rules in particular case.	
Section 77	Directions in circumstances not covered by rules	

Land and Environment Court Rules 2007

Column 1	Column 2	Column 3
Part and/or section	Description	Restriction
Rule 2.3(2)	Order for hearing or trial to be held in a vacation period	Subject to any direction from the Chief Judge
Rule 3.5	Orders and directions re particulars	
Rule 4.2(1)	Costs of proceedings brought in the public interest	Restricted to those matters in which the costs claimed are within the Registrar's limit
Rule 4.3(a) and (c)	Orders in proceedings for review of public authority's decision	
Rule 6.2(2)	Referral to neutral evaluation	
Rule 6.2(5)	Costs of neutral evaluation	
Rule 7.3	Extension or abridgment of time	
Rule 7.4	Fixing times	
Rule 7.7(2)	Granting of leave for a person to appear by agent	

Part 3 General

- 1 Orders under the following legislation as provided —

Environmental Planning and Assessment Act 1979

section 8.15(2) (joinder of persons in certain appeals)

section 8.15(3) (costs thrown away if leave is granted to amend a development application)

Evidence Act 1995

section 50 (proof of voluminous or complex documents)

section 168(2), (4) or (7) (time limits for making certain requests)

section 169(1) (a), (b) or (d) (failure or refusal to comply with requests)

Making a finding as to:

- (a) whether a reasonable request has been made under section 167 of the Evidence Act within the time prescribed by section 168(1), (3), (5) or (6) of that Act, and
- (b) whether a party has, without reasonable cause, failed or refused to comply with such a request

section 177(3) Certificates of expert evidence

section 193(1) Additional powers

Trans-Tasman Proceedings Act 2010 (Cth)

section 38 (issuing of a certificate about non-compliance with subpoena)

Evidence on Commission Act 1995

section 6 (ordering evidence to be taken abroad)

section 7 (directions on procedure about overseas evidence)

section 20 (ordering evidence to be taken outside NSW)

section 21 (directions on procedure about interstate evidence)

Foreign Judgments Act 1991 (Cth)

section 6 (ordering that a foreign judgment be registered) where a request has been added under Part 59A rule 2(3) SCR

section 15(1) (issue of a certificate with respect to an action)

Service and Execution of Process Act 1992 (Cth)

section 29 (granting leave to serve a subpoena or summons outside NSW)

section 30(1) (shortening time for service of a subpoena)

section 35(3) (receipt of expenses of complying with a subpoena)

section 45(3) (receipt of expenses of complying with an order to produce)

Trees (Disputes Between Neighbours) Act 2006

section 8(2) (directing notice of an application be given)

section 8(3) (waiving requirement to give notice or vary the period of notice)

Land Acquisition (Just Terms Compensation) Act 1991

section 66(3) (allowing lodging of claim after 90-day period)

section 67(4) (allowing lodging of appeal after 90-day period)

- 2 Any judgment by consent and any order by consent.
- 3 Accepting an undertaking given to the Court for the payment of a sum of money within a time specified in the undertaking.
- 4 Certifying a copy of a document to be a true copy where the registrar is authorised under any Act or Commonwealth Act or under the rules to issue or furnish a certificate or office copy of the document.
- 5 Order for costs where it is unlikely in the opinion of the registrar that the costs will exceed \$100,000.

- 6 Any matter which a Judge may conduct or deal with and is referred to a registrar by order of a Judge.
- 7 Accepting an undertaking, or the continuation of an undertaking, given to the Court.
- 8 A registrar may exercise the functions of the Court for the purposes of, and in respect of all matters incidental to, the exercise of the registrar's powers under any Act, under any other provision of the rules, or under this direction.
- 9 Issuing subpoena.
- 10 Order to set aside a notice to produce issued under Part 21 or Part 34 of the Uniform Civil Procedure Rules 2005.

