



Judges' Chambers  
Land and Environment Court  
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Ms Jane Needham SC  
President  
New South Wales Bar Association  
DX 1204  
SYDNEY

15 December 2014

Dear Ms Needham

### **Court sitting hours**

I write in response to your letter concerning sitting hours of this Court. Whilst I appreciate the desire to have sitting hours to accommodate the family or other carer responsibilities of those appearing in the Court, there are a number of aspects of this Court's activities that do not lend themselves to as concise and readily formulated set of guidelines as might be able to be accommodated by the Supreme Court.

This Court has eight classes of jurisdiction. With respect to those classes where the Court's jurisdiction is exercised only by Judges (Classes 4, 5, 6 and 7), a regime generally analogous to that which is set out in the four points adopted by the Chief Justice for the Supreme Court can operate. Although alterations to what might be regarded as ordinary court hours of 10.00am to 4.00pm may arise from time to time, any such variation to meet the exigencies of a particular case is settled by arrangement between the presiding Judge and the representatives of the parties in the particular matter.

Hearings of matters in Class 8 (the Court's mining jurisdiction) will, for matters which do not involve site inspections, follow the process for court hearings as outlined above.

I note, however, that procedural case management in all classes of the Court's jurisdiction (whether in a list run by a Judge, a Commissioner sitting as a Commissioner for Mining in Class 8 of the Court's jurisdiction, or a Registrar) has a conventional commencing time of 9.00am or 9.30am. This reflects the longstanding practice of the Court and is well known to those who practise here regularly. It is not practicable to modify these commencing times.

With respect to the Court's range of merit review proceedings (Classes 1, 2 and 3), the vast majority of these matters will commence with a site inspection (whether as a process preceding a conciliation conference under either s 34 or s 34AA of the *Land and Environment Court Act 1979*, in conjunction with an on-site hearing, or as a view

prior to a court hearing). A similar position requiring a site inspection arises in some Class 8 matters.

In metropolitan areas, these site inspections conventionally commence at 9.30 am. This has been the consistent practice of the Court for many years. A later commencing time is often set if the conciliation conference or hearing is in a regional location. The parties and their legal representatives are advised of the commencing time at the time the matter is fixed for conciliation or hearing, usually a couple of months in advance.

All matters are expected to finish by 4.00pm on any day. Should it be necessary to extend a court hearing, an on-site hearing or a conciliation conference beyond 4.00pm (save for very short extensions of 5 or 10 minutes or so), such extensions will only occur with the agreement of the parties and are, in fact, usually at the suggestion of one or both of the parties in order to finish a matter and avoid an additional hearing day.

Finally, it is the general practice of this Court to consult with the representatives of the parties before setting any starting or finishing times that depart from our usual practices. Whenever possible, this is done before the commencement of a matter or shortly thereafter. In other circumstances, the presiding member of the Court will raise the matter with the representatives of the parties as soon as it becomes obvious that some adjustment of sitting times may be required.

I will circulate a copy of your letter and my reply to the Judges and Commissioners of the Court to inform them of the matters you raise and my response to them.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Preston', written in a cursive style.

**The Hon. Justice Brian J Preston SC  
Chief Judge  
Land and Environment Court of NSW**