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Update Summary

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UPDATE 138

MARCH 2025

LAND AND ENVIRONMENT COURT LAW & PRACTICE NEW SOUTH WALES

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Commissioner**

Material Code 42608889

Print Post Approved PP255003/00429

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UPDATE COMMENTARY

Jeff Kildea has provided the following commentary.

Land and Environment Court Act 1979

Section 19: s 19(h) – other appeals – s 36(6) of the *Aboriginal Land Rights Act 1983* – Aboriginal land claims are considered in regard to *Deerubbin Local Aboriginal Land Council v Minister Administering the Crown Land Management Act* [2024] NSWLEC 127 (“Mt Irvine Claim”) and *New South Wales Aboriginal Land Council v Minister Administering the Crown Land Management Act 2016* [2024] NSWCA 294. See [LECA.19.170].

Section 25: Joinder of a person with an interest is discussed with reference to *Gill v Liverpool City Council* [2024] NSWLEC 133. See [LECA.25.50].

Section 57: s 57(2)(a) – remission of matter to the Land and Environment Court – is looked at in regard to *Lord v Broken Hill Cobalt Project Pty Ltd* [2024] NSWCA 305. See [LECA.57.160].

Uniform Civil Procedure Rules 2005

Rule 42.1: Exceptions to the general rule – proceedings settled or unresolved – are discussed with reference to *Sader v Elgammal* [2024] NSWLEC 126. See [UCPR.42.1.40].

Evidence Act and Regulations

Section 79: Requirements for admissibility are discussed in regard to *Wenkart v Blacktown City Council* [2024] NSWLEC 117. See [EA.79.10].

Section 130: Public interest immunity is considered with reference to *Grand Rozelle Pty Ltd v Transport for NSW (No 3)* [2024] NSWLEC 129. See [EA.130.10].