



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

**Practice Note**

**Pre-Judgment Interest Rates**

**Commencement**

1. This Practice Note was issued on 22 June 2010 and commences on 1 July 2010.

**Application**

2. This Practice note applies to new and existing civil proceedings in the Court.

**Introduction**

3. The purpose of this Practice Note is to set the rate of pre-judgment interest that may be awarded under s 100(1) and (2) of the *Civil Procedure Act 2005*.

**Calculating pre-judgment interest**

4. Section 100 of the *Civil Procedure Act 2005* provides for the making of orders for the inclusion of interest in judgments.
5. Practitioners and litigants should expect that where, pursuant to s 100 (1) and (2) of the *Civil Procedure Act 2005*, interest in respect of a pre-judgment period is to be included in a judgment, the Court will have regard to the following rates, being rates agreed upon by the Discount and Interest Rate Harmonisation Committee established following a referral by the Council of Chief Justices:
  - (a) in respect of the period from 1 January to 30 June in any year – the rate that is 4% above the cash rate last published by the Reserve Bank of Australia before that period commenced, and
  - (b) in respect of the period from 1 July to 31 December in any year – the rate that is 4% above the cash rate last published by the Reserve Bank of Australia before that period commenced.

The Hon Justice Brian J Preston  
Chief Judge  
Land and Environment Court of NSW  
22 June 2010