



THE LAW SOCIETY
OF NEW SOUTH WALES

19 August 2022

Ms Megan Pitt

Chief Executive Officer, Legal Services Council, and
Commissioner for Uniform Law Regulation

By email only: [REDACTED]

cc. [REDACTED]

Dear Megan

Consultation paper on conditional costs agreements

Thank you for providing us with the Legal Services Council's consultation paper on conditional costs agreements.

I refer to my letter to you, dated 15 December 2021, which provided the Law Society's initial views on extending the prohibitions on conditional costs agreements to migration, guardianship, child protection, adoption and child support proceedings.

In that letter, we cautioned against extending the prohibition to migration matters, but gave our in-principle support to extend the prohibition to guardianship, child protection, adoption and child support matters, given the unique nature of these proceedings in that the focus is on the best interest of the person the subject of the application.

Our letter also stated that it would be beneficial to know the policy rationale that resulted in the introductions of the prohibitions to these areas in Western Australia. Thank you for including these in the consultation paper.

The Law Society has considered the policy arguments in favour of extending the prohibitions to guardianship, child protection, adoption and child support proceedings and are supportive of extending the prohibition on conditional costs agreements to these areas.

We see extending the prohibitions to such proceedings as being consistent with our longstanding advocacy of maintaining uniformity across jurisdictions.



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Should you wish to discuss this matter, please contact [REDACTED] Team
Leader, Professional Support and Regulatory Policy at
[REDACTED] or [REDACTED].

Yours sincerely,



Sonja Stewart
Chief Executive Officer