

LEGAL PROFESSION UNIFORM GENERAL AMENDMENT
(CONDITIONAL COSTS AGREEMENTS) RULE 2022

819. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *Legal Profession Uniform General Amendment (Conditional Costs Agreements) Rule 2022*, and I ask:

- (a) what was the catalyst for bringing about this amendment to the rule;
- (b) who was consulted prior to this amendment rule being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to , what were these concerns;
- (e) has the finalised amendment rule addressed these concerns; and
- (f) if no to (e), why not?

Hon Matthew Swinbourn replied:

- (a) The *Legal Profession Uniform General Amendment (Conditional Costs Agreements) Rule 2022* amends the *Legal Profession Uniform General Rules 2015* by prohibiting the use of conditional costs agreements in relation to proceedings under the *Family Court Act 1997* (WA) to ensure consistency with the existing prohibition in relation to the *Family Law Act 1975* (Cth) under section 181(7)(b) of the Legal Profession Uniform Law.
- (b) Consistent with the Uniform Law, consultation was undertaken by the Legal Services Council. It is understood that the Council's consultation formed part of consultation about conditional costs agreements more generally and involved: the NSW Department of Communities and Justice; the Victorian Department of Justice and Community Safety; the Australian Bar Association; the Law Council of Australia; the Law Institute of Victoria; the Law Society of NSW; the Law Society of Western Australia; the Legal Practice Board of Western Australia; the NSW Bar Association; the Office of the Legal Services Commissioner (NSW); the Victorian Bar Association; the Victorian Legal Services Board and Commissioner; and the Western Australia Bar Association, as well as the relevant courts and tribunals in the participating jurisdictions.

Having regard to section 429 of the Legal Profession Uniform Law, it was determined by the Legal Services Council that public consultation in relation to the amendment rule was not necessary.

- (c) No.
- (d)–(f) Not applicable.