



THE LAW SOCIETY  
OF NEW SOUTH WALES

Our ref: SW:lb:EP&D:4455901  
Direct line: 9926 0202

7 June 2011

Mr Laurie Glanfield AM  
Director General  
Department of Attorney General and Justice  
DX 1227 SYDNEY

Dear Director General

**Appearances by non-practitioner advocates in the Land and Environment Court**

Thank you for your letter dated 14 March 2011 concerning proposed reforms in relation to lay advocates/agents in the Land and Environment Court (LEC).

The Law Society's Environmental Planning and Development Committee (Committee) has considered the proposals set out in your letter.

The Committee notes that the LEC has acknowledged that in some proceedings the appearance of non-practitioner advocates has escalated the cost for both parties and has obstructed the quick, just and cheap resolution of the real issues in proceedings. As a result, it is noted that the Chief Judge has suggested that section 63(1) of the *Land and Environment Court Act 1979* (LEC Act) be amended so that leave of the court is required for a person to be represented in court by an agent. The Hon. Justice Preston, it is noted, also suggested that the LEC Act be amended to allow the court to impose terms on the granting of leave, for example, by imposing a code of conduct. The Committee supports the views expressed by the Chief Judge and endorses these proposed reforms.

An alternative approach noted in your letter, namely to include requirements in the LEC Regulation 2007 requiring agents to provide information to clients, for example, information as to costs, was also supported by the Chief Judge. It is noted that where an agent fails to comply, the court may refuse leave for that person to act as an agent in the proceedings. The Committee also endorses this proposal.

The implementation of these proposals would greatly assist in addressing the issues outlined in the Law Society's earlier letter to the former Attorney General on this subject.

The Committee appreciates the opportunity to comment on these proposals.

Any questions on the Committee's comments can be directed to Ms Liza Booth, Executive Member, Environmental Planning and Development Committee on telephone (02) 9926 0202 or via email at [liza.booth@lawsociety.com.au](mailto:liza.booth@lawsociety.com.au).

Yours sincerely

  
Stuart Westgarth  
**President**