



Public Interest Law Clearing House



probonoanimalawservice

Paul McKnight  
Executive Director  
New South Wales Law Reform Commission  
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SYDNEY NSW 2001  
AUSTRALIA

24 August 2011

Sent by email: [nsw\\_lrc@agd.nsw.gov.au](mailto:nsw_lrc@agd.nsw.gov.au)

Dear Mr McKnight

**Re: PILCH Vic, Submission to the NSW Law Reform Commission: Consultation Paper 13 – Security for Costs and Associated Costs Orders, 19 August 2011**

The Pro Bono Animal Law Service ([PALS@PILCH](mailto:PALS@PILCH)) is a project of the Public Interest Law Clearing House (PILCH) NSW. [PALS@PILCH](mailto:PALS@PILCH) is a national legal referral service that puts not for profit animal protection organisations in contact with Australian law firms and barristers working pro bono in the public interest. [PALS@PILCH](mailto:PALS@PILCH) is also committed to addressing significant animal welfare issues in a legal forum.

[PALS@PILCH](mailto:PALS@PILCH) supports PILCH Victoria's submission on Security for Costs and Associated Costs Orders.

In particular, we draw your attention to Section 5 of the Submission: *Public Interest and Protective Cost Orders*. We support the proposal that a Protective Costs Order (PCO) regime set out in new legislative provisions should be introduced.

We strongly agree with PILCH Victoria's submission that a PCO regime should:

- Confirm the courts' jurisdiction to make PCOs,
- Clarify discretionary factors to be taken into account when making PCOs in the public interest,
- Clarify the types of PCOs that can be made, and
- Confirm that PCOs can be ordered at any time in the proceedings.

Animal law is fast emerging as a new area of legal practice. The law in Australia which seeks to reduce or prevent cruelty to animals is in need of improvement. Unfortunately many of our meritorious animal welfare matters have not been pursued due to the risk of adverse costs orders. These matters have involved challenges under consumer protection, administrative and anti-cruelty laws. Had an appropriate regime for PCOs been available our animal welfare litigants would have had an opportunity to pursue matters which have a legitimate public interest.

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I also refer to letter of endorsement prepared by Katrina Ironside and John Pinnock of NSW PILCH also dated 24 August 2011.

Yours faithfully



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