

6 February 2025

Paul McKnight
Deputy Secretary
Law Reform and Legal Services
Department of Communities and Justice

By email: paul.mcknight@dcj.nsw.gov.au

Dear Mr McKnight

Solicitors' Professional Indemnity Insurance Policy proposed by ABC Insurance Pty Ltd

We refer to your letter dated 17 January 2025 regarding the application made by ABC Insurance Pty Ltd (**ABC**) to the Attorney General for approval of certain policies under s 95 of the *Legal Profession Uniform Law Application Act 2014*.

Thank you for providing the Law Society with an opportunity to provide submissions in relation to the decision the Attorney General is to make with respect to ABC's application.

The Law Society has received correspondence from ABC alleging that the Law Society, Lawcover Insurance, the Attorney General and/or the Department may have engaged in conduct contrary to the *Competition and Consumer Act 2010* (Cth) (**ABC allegations**). The Law Society is also aware that ABC has sent an email communication to a number of NSW solicitors indicating that the ACCC is investigating the ABC allegations.

The Law Society, in its capacity as both a regulator and as a representative of NSW solicitors, would ordinarily seek to assist the Department by providing comprehensive policy submissions with respect to ABC's application. However, in light of the ABC allegations, the Law Society does not consider it appropriate to make any detailed submissions about ABC's application.

However, the Law Society does consider it appropriate to record that, in our view, any decision the Attorney General makes with respect to ABC's application should have regard to a range of policy issues and considerations, including the following:

- a broad range of counterfactuals regarding a future market for professional indemnity insurance, including, for example, where Lawcover Insurance is operating on a for-profit basis, or where Lawcover Insurance is no longer a provider in the market; and



THE LAW SOCIETY
OF NEW SOUTH WALES

- the potential impacts of a market consisting of only for-profit insurers in circumstances where professional indemnity insurance continues to be mandatory, including whether a solicitor's ability to hold a practising certificate may be dictated by the availability of affordable insurance.

Please do not hesitate to contact me if you have any further queries in relation to this matter.

Yours sincerely

Jennifer Ball
President