



Hon Greg Smith SC MP

Attorney General
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MEDIA RELEASE

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NSW GOVERNMENT TO POSTPONE PRE-LITIGATION REFORMS

The NSW Government will postpone the introduction of laws that require parties to take reasonable steps to resolve their disputes before they commence court proceedings, NSW Attorney General Greg Smith SC announced today.

Part 2A of the *Civil Procedure Act 2005* requires parties to take reasonable steps to resolve their dispute by mutual agreement or to more narrowly define the contentious issues before commencing court action. The provisions were passed in late 2010, but would only have applied to matters filed from 1 October 2011.

"A large number of lawyers and clients already take reasonable steps to resolve a civil dispute before resorting to litigation. The new laws were designed to encourage the remainder to do the same," Mr Smith said.

"However, since the laws were passed last year, concerns have been raised by a number of key stakeholders that the provisions may have unintended consequences."

Mr Smith said the reasonable steps provisions would be postponed by 18 months to enable NSW to monitor the success of similar provisions that commenced in Federal courts on August 1.

"The NSW Government will ultimately make informed decisions about the future of Part 2A, using all of the available evidence," Mr Smith said.

"Compliance with pre-trial obligations should reduce, not add to, the cost of resolving disputes. The purpose of this postponement is to ensure this is the case."