



New South Wales

Legal Profession Amendment (Workers Compensation Costs) Regulation 1998

under the

Legal Profession Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Legal Profession Act 1987*.

J. W. Shaw

Attorney General

Explanatory note

The object of this Regulation is to provide for the loading payable to a legal practitioner for attending a hearing of a workers compensation matter in circumstances where the practitioner's chambers or offices are located in a country town and the hearing takes place in Sydney or in another country town.

The Regulation also contains amendments by way of law revision.

This Regulation is made under the *Legal Profession Act 1987*, including section 216 (the general regulation-making power) and section 196.

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1 Name of Regulation

This Regulation is the *Legal Profession Amendment (Workers Compensation Costs) Regulation 1998*.

2 Amendment of Legal Profession Regulation 1994

The *Legal Profession Regulation 1994* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 26C Procedure before application for assessment of party/party costs

Insert “be” before “sent” wherever occurring in clause 26C (1) (e) and (2) (f).

[2] Schedule 2 Costs for legal services

Omit item 8 from Part 2. Insert instead:

8 Loadings

- (a) An advocate whose principal chambers or offices are in the Sydney Metropolitan area is entitled, in respect of proceedings heard or partially heard in a town outside that area, to a loading in accordance with Part 3 of this Schedule for that town. If proceedings take place at two or more towns outside that area, the loading payable is that appropriate to the town that is the farther or farthest from those chambers or offices.
- (b) An advocate whose principal chambers or offices are in a town outside the Sydney Metropolitan area is entitled, in respect of proceedings heard or partially heard in the Sydney Metropolitan area, to a loading in accordance with Part 3 of this Schedule for that town.
- (c) An advocate whose principal chambers or offices are in a town outside the Sydney Metropolitan area is entitled, in respect of proceedings heard or partially heard at another such town, to a loading in accordance with Part 3 of this Schedule for that other town. If proceedings take place at two or more towns outside that area, the loading payable is that appropriate to the town that is the farther or farthest from those chambers or offices.

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Schedule 1 Amendments

- (d) For the purposes of this item, if a town is not included in Part 3 of this Schedule, the loading for that town is to be the loading for the nearest town that is so included.
- (e) If an advocate holds more than one brief in respect of proceedings heard at a place on any one day and a loading is applicable under this item, the loading is to be divided equally between those briefs in respect of which an advocate's fees are awarded or payable.

[3] **Schedule 2, Part 3**

Omit "clause 8" from item 1. Insert instead "item 8".