



New South Wales

Legal Profession Amendment Regulation 2007

under the

Legal Profession Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Legal Profession Act 2004*.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

Explanatory note

The objects of this Regulation are as follows:

- (a) to make amendments, which are generally of a minor or machinery nature, to achieve consistency with the Legal Profession Model Regulations as approved by the Standing Committee of Attorneys-General (all amendments except those mentioned in the following paragraphs),
- (b) to provide that the prohibition in the *Legal Profession Act 2004* (*the Act*) on a person engaging in legal practice without being the holder of a practising certificate does not apply to registered industrial organisations, so long as certain specified conditions are satisfied (new clause 8A),
- (c) to enable the grant of practising certificates to Members of Parliament who are Australian lawyers (new clause 10A),
- (d) to permit the Bar Council or Law Society Council to dispense with the need for an application for the grant or renewal of a practising certificate to contain certain particulars, such as the applicant's residential address, if the Council is satisfied that special circumstances exist (amended clause 11),
- (e) to make it clear that an Australian lawyer employed by the Australian Government Solicitor has the benefit of the same exemptions with regard to legal practice as are available to government lawyers of other government agencies of other jurisdictions (new clause 22A),
- (f) to provide that restrictions on advertising personal injury services do not apply to advertisements by community legal centres in connection with sexual assault and

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- victims of crime, in addition to domestic violence and discrimination (substituted clause 25),
- (g) to provide that registered industrial organisations do not fall within the description of incorporated legal practices, so long as certain specified conditions are satisfied (amended clause 41),
 - (h) to align provisions relating to law practice journal transfers with provisions relating to the signing of cheques, and to make it clear that they extend to external interveners (supervisors, managers and receivers) (amended clause 71),
 - (i) to provide that the provisions of the Act relating to trust money and trust accounts do not apply to money received by a barrister on account of legal costs for legal services in advance, but only in specified circumstances (new clause 106A and omitted clause 178),
 - (j) to specify details that are to be included in bills given by law practices (new clause 111B),
 - (k) to make adjustments to the provisions prescribing the costs recoverable in connection with court proceedings (amended clause 112 and Schedule 2),
 - (l) to provide that local regulatory authorities may disclose certain information to the Australian courts or tribunals, specified Commonwealth authorities and Australian police authorities (new clause 178A),
 - (m) to omit clauses 179 (Transitional: construction of certain references in conveyancers licensing legislation) and 180 (Transitional: statutory condition regarding holding more than one practising certificate—interstate certificates) as they are spent.

This Regulation is made under the *Legal Profession Act 2004*, including sections 14 (2) (h), 16 (2), 45 (10), 46 (1) (a), 114 (4), 134 (2) (d), 246 (3), 329 (1), 330, 721 (2A) and 738 (the general regulation-making power).

Legal Profession Amendment Regulation 2007

under the

Legal Profession Act 2004

1 Name of Regulation

This Regulation is the *Legal Profession Amendment Regulation 2007*.

2 Commencement

This Regulation commences on 1 July 2007.

3 Amendment of Legal Profession Regulation 2005

The *Legal Profession Regulation 2005* is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

Corporations legislation means the Corporations legislation to which Part 1.1A of the *Corporations Act 2001* of the Commonwealth applies.

[2] Clause 6 Definition of “associate”—Australian-registered foreign lawyer—section 7 of the Act

Omit the clause.

[3] Clause 8

Omit the clause. Insert instead:

8 Presumptions about taking or using name, title or description—section 16 of the Act

- (1) For the purposes of section 16 (2) of the Act, the kinds of persons specified in the third column of the table to this subclause are persons who are entitled, in the circumstances specified opposite in the fourth column, to take or use a name, title or description specified opposite in the second column.

Table

First column	Second column	Third column	Fourth column
Item No	Name, title or description	Kinds of persons who are entitled to take or use name, title or description	Circumstances in which the persons are entitled to take or use name, title or description
1	legal practitioner	Australian legal practitioner	all circumstances (no restriction)
2	legal practitioner	Australian lawyer	when the Australian lawyer, not holding an Australian practising certificate, engages in legal practice as an employee of a government agency in circumstances in which an Australian law permits an Australian lawyer to engage in legal practice of that kind without having to hold an Australian practising certificate

First column	Second column	Third column	Fourth column
Item No	Name, title or description	Kinds of persons who are entitled to take or use name, title or description	Circumstances in which the persons are entitled to take or use name, title or description
3	barrister and solicitor, or barrister, or solicitor, or attorney	Australian legal practitioner	when the Australian legal practitioner holds an Australian practising certificate and engages in legal practice in the manner of a solicitor
4	barrister and solicitor, or barrister, or solicitor, or attorney	Australian lawyer	when the Australian lawyer, not holding an Australian practising certificate, engages in legal practice in the manner of a solicitor as an employee of a government agency in circumstances in which an Australian law permits an Australian lawyer to engage in legal practice of that kind without having to hold an Australian practising certificate
5	barrister	Australian legal practitioner	when the local legal practitioner holds a local practising certificate that restricts the practitioner to legal practice in the manner of a barrister
6	barrister	interstate legal practitioner	when the interstate legal practitioner holds an Australian practising certificate and engages in legal practice in the manner of a barrister
7	barrister	Australian lawyer	when the Australian lawyer, not holding an Australian practising certificate, engages in legal practice in the manner of a barrister as an employee of a government agency in circumstances in which an Australian law permits an Australian lawyer to engage in legal practice of that kind without having to hold an Australian practising certificate

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First column	Second column	Third column	Fourth column
Item No	Name, title or description	Kinds of persons who are entitled to take or use name, title or description	Circumstances in which the persons are entitled to take or use name, title or description
8	counsel	Australian legal practitioner	all circumstances (no restriction)
9	counsel	Australian lawyer	when the Australian lawyer, not holding an Australian practising certificate, engages in legal practice as an employee of a government agency in circumstances in which an Australian law permits an Australian lawyer to engage in legal practice of that kind without having to hold an Australian practising certificate
10	counsel	Australian lawyer	when the Australian lawyer, not holding an Australian practising certificate, provides legal services to his or her employer, or to a related entity, in the ordinary course of his or her employment and for no fee, gain or reward other than his or her ordinary remuneration as an employee
11	Senior Counsel or SC	Australian lawyer	when the Australian lawyer currently holds the status of Senior Counsel, as recognised by the High Court or a Supreme Court of any jurisdiction
12	Queen's Counsel or QC, or King's Counsel or KC, or Her Majesty's Counsel, or His Majesty's Counsel	Australian lawyer	when the Australian lawyer currently holds the appropriate status, as conferred by the Crown in any capacity or as recognised by the High Court or a Supreme Court of any jurisdiction
13	attorney	Australian-registered foreign lawyer	when entitled to use the name, title or description under section 191 of the Act

First column	Second column	Third column	Fourth column
Item No	Name, title or description	Kinds of persons who are entitled to take or use name, title or description	Circumstances in which the persons are entitled to take or use name, title or description
14	attorney	patent attorney	when using the expression "patent attorney"
15	attorney	donee of a power of attorney	when indicating that the donee holds or is acting under a power of attorney
16	attorney	Attorney-General of any jurisdiction, the Commonwealth or a foreign country	all circumstances (no restriction)
17	solicitor	Solicitor-General of any jurisdiction, the Commonwealth or a foreign country	all circumstances (no restriction)
18	lawyer	Australian lawyer	all circumstances (no restriction)
19	lawyer	Australian-registered foreign lawyer	all circumstances (no restriction)

(2) In this clause:

Australian law means a law of the Commonwealth or of a State or Territory.

employee of an entity means a person who is employed or engaged under a contract of service or contract for services in or by the entity whether or not:

- (a) the person works full-time, part-time, or on a temporary or casual basis, or
- (b) the person is a law clerk or articled clerk.

government agency means:

- (a) a government department of the Commonwealth or of a State or Territory, or
- (b) a body that is established by or under the law of the Commonwealth or of a State or Territory for a public purpose or to exercise governmental functions,

and includes a body or organisation (or a class of bodies or organisations) prescribed by the regulations as being within the definition of **government agency** in section 114 of the Act.

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[4] Clause 8A

Insert after clause 8:

8A Prohibition on engaging in legal practice when not entitled— section 14 of the Act

For the purposes of section 14 (2) (h) of the Act, legal practice engaged in by an industrial organisation registered under the *Industrial Relations Act 1996*, or an organisation registered under Schedule 1 to the *Workplace Relations Act 1996* of the Commonwealth, is prescribed as a kind of legal practice to which section 14 (1) of the Act does not apply, but only to the extent that:

- (a) the legal services concerned are provided to members of the organisation, and
- (b) the legal services are not provided for fee, gain or reward to the organisation (other than standard membership fees), and
- (c) the legal services are provided by Australian legal practitioners, and
- (d) if any of the legal services are provided by an Australian legal practitioner who does not hold an unrestricted practising certificate—those legal services are provided under the supervision of an Australian legal practitioner who holds an unrestricted practising certificate.

[5] Clause 10A

Insert before clause 11:

10A Application for grant of local practising certificate by prescribed classes of lawyers—section 45 of the Act

- (1) For the purposes of section 45 (10) of the Act, Australian lawyers of the following classes or descriptions are prescribed as being eligible to apply for the grant or renewal of local practising certificates:
 - (a) Members of the Parliament of the State,
 - (b) Members of the Parliament of the Commonwealth who reasonably expect to reside in New South Wales during the currency of the local practising certificate or renewal applied for.

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- (2) A Council has a discretion as to whether or not to grant or renew a local practising certificate to a person in his or her capacity as an Australian lawyer of a class or description referred to in subclause (1).

[6] Clause 11 Manner of application for local practising certificate— section 46 of the Act

Insert “(subject to any determination under subclause (4A))” after “and” where secondly occurring in clause 11 (1).

[7] Clause 11 (4A) and (4B)

Insert after clause 11 (4):

- (4A) A Council may determine that applications made to it for the grant or renewal of a local practising certificate by specified applicants or by applicants of a specified class need not provide, or be accompanied by, particulars of a specified kind that would otherwise be required by subclause (1), if:
- (a) the Council reasonably believes that special circumstances warrant the particulars not being disclosed to it (for example, on privacy, safety or security grounds), and
 - (b) the Council considers that the public interest and administrative convenience in having the particulars disclosed to it are outweighed by any individual interest in the particulars not being disclosed.
- (4B) If a Council determines under subclause (4A) that particulars of an applicant’s residential address need not be disclosed, the application must include or be accompanied by a statement:
- (a) indicating whether or not the applicant resides in Australia, and
 - (b) specifying the jurisdiction in which the applicant resides if the applicant indicates that he or she resides in Australia.

[8] Clause 13 Completion of periods of supervised legal practice— sections 53 and 102 of the Act

Insert “worked out on a full-time basis” after “required period” wherever occurring in clause 13 (2) (a) and (b).

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[9] Clause 22A

Insert after clause 22:

22A Australian Government Solicitor—section 114 of the Act

The Australian Government Solicitor is prescribed as being within the definition of *government agency* in section 114 (4) of the Act

[10] Clause 25

Omit the clause. Insert instead:

25 Exception for certain advertisements by community legal centres

This Subdivision does not apply to the publication by or on behalf of a complying community legal centre of an advertisement that would constitute a contravention of clause 24 by reason only that it advertises or promotes services provided by the community legal centre in connection with:

- (a) domestic violence, or
- (b) discrimination, or
- (c) sexual assault, or
- (d) victims of crime.

[11] Clause 41 Exempt corporations—section 134 of the Act

Insert at the end of the clause (before the note):

- (2) For the purposes of section 134 (2) (d) of the Act, an organisation referred to in clause 8A is not an incorporated legal practice, but only to the extent that paragraphs (a)–(d) of that clause are satisfied.

[12] Clause 41A

Insert after clause 41:

41A Prohibition on conduct of managed investment scheme by incorporated legal practice—section 135 (2) of the Act

Section 135 (2) of the Act is declared to be a Corporations legislation displacement provision for the purposes of section 5G of the *Corporations Act 2001* of the Commonwealth in relation to the Corporations legislation.

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- [13] **Clause 45 Trust money and trust accounts—section 195 of the Act**
Insert “or an Australian legal practitioner” after “law practice” wherever occurring.
- [14] **Clause 51 Grounds for amending, suspending or cancelling local registration—section 208 of the Act**
Omit the clause.
- [15] **Clause 52 Register of locally registered foreign lawyers—section 232 of the Act**
Omit clause 52 (2) and (3). Insert instead:
- (2) The particulars to be included in the register are as follows:
 - (a) the name of the foreign lawyer,
 - (b) the name of the partnership of which the lawyer is a member or employee or, if the lawyer is not a member or employee of a partnership, the name of the entity of which the lawyer is a director, officer or employee or with which the lawyer is otherwise engaged in legal practice,
 - (c) the contact details of the office of the partnership or other entity in this jurisdiction,
 - (d) by way of separate additional entry, the name of the partnership or other entity and the contact details of the office of the partnership or other entity:
 - (i) in this jurisdiction, and
 - (ii) in any other jurisdictions in which it has an office, except where the domestic registration authority considers those particulars need not be included in respect of an entity that is not a law practice,
 - (e) details of the foreign registration authority or authorities by which the lawyer is registered to engage in legal practice in a foreign country or foreign countries,
 - (f) any other particulars about the lawyer, partnership or other entity that the authority considers should be included.
- [16] **Clause 54 Definitions**
Omit the definition of *deposit record*.
- [17] **Clause 56 Copies of trust records to be printed**
Insert “receipts and payments” after “trust account” in clause 56 (1) (a).

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- [18] **Clause 56 (1) (a)**
Omit “retained”. Insert instead “kept”.
- [19] **Clause 56 (1) (c)**
Omit “trust ledger trial balances”.
Insert instead “lists of trust account ledgers and their balances”.
- [20] **Clause 56 (3) and (4)**
Omit “retained” wherever occurring. Insert instead “kept”.
- [21] **Clause 57 Chronological record of information to be made**
Insert “or other descriptor” after “number” in clause 57 (1) (e).
- [22] **Clause 57 (2)**
Omit “retained”. Insert instead “kept”.
- [23] **Clause 58 Requirements regarding computer accounting systems**
Omit “retained” from clause 58 (2) (b). Insert instead “kept”.
- [24] **Clause 59 Back-ups**
Omit “retained” from clause 59 (b). Insert instead “kept”.
- [25] **Clause 60 Establishment of general trust account**
Omit “open” from clause 60 (1). Insert instead “establish”.
- [26] **Clause 61 Receipting of trust money**
Insert “except as provided by paragraph (b),” after “received,” in clause 61 (3) (a).
- [27] **Clause 61 (3) (b)**
Omit “can access”. Insert instead “accesses”.
- [28] **Clause 61 (8)**
Omit “retained”. Insert instead “kept”.
- [29] **Clause 62 Deposit records for trust money**
Omit “retained” wherever occurring in clause 62 (5). Insert instead “kept”.
- [30] **Clause 64 Manner of withdrawal of trust money**
Omit the clause.

[31] Clause 65 Payment by cheque

Omit “stored” from clause 65 (7). Insert instead “kept”.

[32] Clause 66 Payment by electronic funds transfer

Omit “stored” from clause 66 (6). Insert instead “kept”.

[33] Clause 71 Journal transfers

Omit clause 71 (1) (b). Insert instead:

- (b) subclause (1A) is complied with.

[34] Clause 71 (1A) and (1B)

Insert after clause 71 (1):

(1A) The transfer must be authorised in writing:

- (a) by an authorised principal of the law practice, or
- (b) if a principal referred to in paragraph (a) is not available:
 - (i) by an authorised legal practitioner associate, or
 - (ii) by an authorised Australian legal practitioner who holds an unrestricted practising certificate authorising the receipt of trust money, or
 - (iii) by two or more authorised associates jointly, or
- (c) by an external intervener for the practice.

(1B) For the purposes of subclause (1A):

associate means an associate of the law practice.

authorised means authorised by the law practice or an external intervener for the practice to effect, direct or give authority for the transfer of trust money by journal entry from one trust ledger account in the practice’s trust ledger to another trust ledger account in the trust ledger.

external intervener has the same meaning as in section 611 of the Act.

[35] Clause 72 Reconciliation of trust records

Omit “retained” from clause 72 (4). Insert instead “kept”.

[36] Clause 74 Notification requirements regarding general trust accounts

Insert at the end of the clause:

Note. Clause 103 contains provisions for the notification of the appropriate authority when a law practice involved with trust money closes down, closes its office or ceases to receive or hold trust money.

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- [37] **Clause 75 Maintenance of controlled money accounts—section 256 (4) of the Act**
Omit clause 75 (1) (b). Insert instead:
(b) the expression “controlled money account” or the abbreviation “CMA” or “CMA/c”,
- [38] **Clause 76 Receipt of controlled money**
Insert “except as provided by paragraph (b),” after “received,” in clause 76 (4) (a).
- [39] **Clause 76 (4) (b)**
Omit “can access”. Insert instead “accesses”.
- [40] **Clause 76 (10)**
Omit “retained”. Insert instead “kept”.
- [41] **Clause 79 Manner of withdrawal of controlled money**
Omit the clause.
- [42] **Clause 83 Trust account statements for sophisticated clients**
Omit clause 83 (1). Insert instead:
(1) In this clause:
sophisticated client has the same meaning as in section 302 of the Act.
- [43] **Clause 83 (2)**
Omit “an institutional client”. Insert instead “a sophisticated client”.
- [44] **Clause 83 (3)**
Omit “the institutional client”. Insert instead “the sophisticated client”.
- [45] **Clause 83 (3)**
Omit “supply”. Insert instead “provide”.
- [46] **Clause 83 (4)**
Omit “retain”. Insert instead “keep”.
- [47] **Clause 83 (4)**
Omit “furnished”. Insert instead “provided”.

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- [48] **Clause 85 Trust money subject to specific powers—section 258 of the Act**
Omit “(whether alone or jointly with another person)” from clause 85 (2).
- [49] **Clause 88 Withdrawing trust money for legal costs—section 261 (1) (b) of the Act**
Omit “retained” wherever occurring in from clause 88 (5) (a) and (b).
Insert instead “kept”.
- [50] **Clause 88 (5) (b)**
Omit “reduced to”. Insert instead “confirmed in”.
- [51] **Clause 90 Keeping other records and information**
Omit “retained” wherever occurring in clause 90 (1) and (2).
Insert instead “kept”.
- [52] **Clause 106A**
Insert after clause 106:
- 106A Receipt of trust money by barrister (section 252 of the Act)—
exclusion under section 246 (3) of the Act**
- Part 3.1 of the Act does not apply to trust money received and held by a barrister if the money is received by the barrister on account of legal costs for legal services in advance of the provision by the barrister of the legal services, in the following circumstances:
- (a) the barrister is practising as a sole practitioner and the money is received in connection with instructions accepted by the barrister directly from a person who is not a solicitor,
 - (b) the money is deposited, within a reasonable time, after the barrister receives the money, in an account maintained with an ADI in connection with the barrister's law practice,
 - (c) the money remains deposited in that or another account maintained with an ADI in connection with the barrister's law practice until:
 - (i) a bill is given to the client, or
 - (ii) the money is refunded to the client, or
 - (iii) the money is paid to a solicitor who is later engaged by the client in the matter.

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[53] Clause 109A

Insert after clause 109:

109A Disclosure of costs to clients (form)—section 309 (3) of the Act

- (1) The form set out in Form 2 of Schedule 5 is prescribed for the purposes of section 309 (3) of the Act in connection with the details referred to in section 309 (1) (b) (i)–(iii), (g), (i), (j) and (l).
- (2) The Bar Council and Law Society Council are each required to produce and maintain the fact sheet referred to in the form and make it available on the internet, but may do so jointly.
- (3) The fact sheet is to be developed in consultation with and approved by the Commissioner.

[54] Clause 110A Interest on unpaid legal costs—section 321 (4) of the Act

Omit “(b)” from clause 110A (1).

[55] Clause 110B

Insert after clause 110A:

110B Costs agreement with associated third party payer—section 322 (6) of the Act

Section 323 of the Act is a prescribed provision for the purposes of section 322 (6) of the Act.

[56] Clauses 111A and 111B

Insert after clause 111:

111A Notification of client's rights—section 333 (4) of the Act

- (1) The form set out in Form 3 of Schedule 5 is prescribed for the purposes of section 333 (4) of the Act.
- (2) The Bar Council and Law Society Council are each required to produce and maintain the fact sheet referred to in the form and make it available on the internet, but may do so jointly.
- (3) The fact sheet is to be developed in consultation with and approved by the Commissioner.

111B Contents of itemised bill

- (1) The following particulars are to be included in an itemised bill given by a law practice (other than by a barrister):
 - (a) short details of each item of work carried out on behalf of the client, including the method by which it was carried out (whether by letter, telephone, perusal, drafting, conference, teleconference or otherwise) if not otherwise apparent,
 - (b) the date on which each item of work was carried out,
 - (c) except so far as paragraph (d) applies—the amount charged for carrying out each item of work, and particulars:
 - (i) of the time (in minutes or other units of time) engaged for carrying out each item or work, and
 - (ii) identifying the person who carried out each item of work,
 - (d) if applicable, the amount charged for carrying out each item of work on some other basis on which work has agreed to be charged, and particulars of that agreed basis.
- (2) The following particulars are to be included in an itemised bill given by a barrister:
 - (a) short details of each item of work carried out on behalf of the client, including the method by which it was carried out (whether by letter, telephone, perusal, drafting, conference, teleconference or otherwise) if not otherwise apparent,
 - (b) the date on which each item of work was carried out,
 - (c) the amount charged for each item of work or for items of work carried out on a particular day, and particulars of the basis for calculating the amount charged.
- (3) The particulars referred to in subclauses (1) and (2) are to be set out in generally chronological order.

[57] Clause 112 Prescribed costs for recovery of certain debts and enforcement of certain judgments—sections 329 (1) (c) and (d) and 330 (1) of the Act

Insert after clause 112 (2):

- (2A) The costs specified in Schedule 2 (other than those referred to in item 2 of Part 1 and item 2 of Part 2) are exclusive of filing fees and service costs that are otherwise recoverable.

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[58] Clause 178 Barristers may receive costs in advance

Omit the clause.

[59] Clause 178A

Insert after clause 178:

**178A Disclosure of information by local regulatory authorities—
section 721 of the Act**

- (1) A local regulatory authority may disclose information about any matter relating to or arising under the Act or a corresponding law to a court or tribunal (or any of its officers) of a State or Territory or of the Commonwealth.
- (2) In order to facilitate an investigation being undertaken under the Act, a corresponding law or a law of the Commonwealth, a local regulatory authority may disclose information about any matter relating to or arising under the Act or a corresponding law to the following Commonwealth authorities (or any of their officers):
 - (a) the Migration Agents Registration Authority,
 - (b) the Australian Securities and Investments Commission,
 - (c) the Australian Taxation Office,
 - (d) the Australian Prudential Regulatory Authority,
 - (e) the Australian Crime Commission,
 - (f) the Australian Competition and Consumer Commission,
 - (g) the Australian Transaction Reports and Analysis Centre.
- (3) A local regulatory authority may disclose information about any matter relating to or arising under the Act or a corresponding law to the extent that it relates to pending or possible criminal or disciplinary proceedings against an Australian lawyer to police authorities (or any of their officers) of a State or Territory or of the Commonwealth.
- (4) This clause has effect subject to section 602 of the Act.

[60] Clause 179 Transitional: construction of certain references in conveyancers licensing legislation

Omit the clause.

[61] Clause 180 Transitional: statutory condition regarding holding more than one practising certificate—interstate certificates

Omit the clause.

[62] Schedule 1 Names, titles and descriptions

Omit the Schedule.

[63] Schedule 2 Costs for recovery of certain debts and enforcement of certain judgments

Omit paragraph (b) of item 2 of Part 1. Insert instead:

- (b) in proceedings for the recovery of land where one or more occupiers must be served with notice of proceedings, for each different address at which a notice is served \$90

[64] Schedule 2, Part 2, item 4

Omit the item. Insert instead:

4 Default judgment—liquidated claim, claim for possession of land or claim for detention of goods

Costs on applying for default judgment for recovery of lump sum debt, claim for possession of land or claim for detention of goods, including all matters listed in item 1 plus drawing/typing/checking affidavit of service, notice of motion and affidavit in support \$1,019

[65] Schedule 2, Part 2, item 6

Insert “issuing an examination notice and” after “costs of”.

[66] Schedule 2, Part 3, item 2

Omit the item. Insert instead:

2 Default judgment—liquidated claim or claim for detention of goods

Costs on applying for default judgment for recovery of lump sum debt or claim for detention of goods, including all matters listed in item 1 plus drawing/typing/checking affidavit of service, notice of motion and affidavit in support \$759

[67] Schedule 2, Part 3, item 5

Insert “issuing an examination notice and” after “Costs of”.

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[68] Schedule 5 Forms

Insert after Form 1:

Form 2 Form of disclosure of costs to clients

(Clause 109A)

(Legal Profession Act 2004)

Legal costs—your right to know

You have the right to:

- negotiate a costs agreement with us
- receive a bill of costs from us
- request an itemised bill of costs after you receive a lump sum bill from us
- request written reports about the progress of your matter and the costs incurred in your matter
- apply for costs to be assessed within 12 months if you are unhappy with our costs
- apply for the costs agreement to be set aside
- accept or reject any offer we make for an interstate costs law to apply to your matter
- notify us that you require an interstate costs law to apply to your matter

For more information about your rights, please read the fact sheet titled *Legal Costs—your right to know*. You can ask us for a copy, or obtain it from your local law society or law institute (or download it from their website).

Form 3 Form of notification of client's rights

(Clause 111A)

(Legal Profession Act 2004)

Your rights in relation to legal costs

The following avenues are available to you if you are not happy with this bill:

- requesting an itemised bill
- discussing your concerns with us
- having our costs assessed
- applying to set aside our costs agreement

There may be other avenues available in your State or Territory (such as mediation).

For more information about your rights, please read the fact sheet titled *Your right to challenge legal costs*. You can ask us for a copy, or obtain it from your local law society or law institute (or download it from their website).