

Legal Profession Uniform Law Application Legislation Amendment Act 2015 No 7

[2015-7]



New South Wales

Status Information

Currency of version

Repealed version for 10 June 2015 to 1 July 2015 (accessed 15 November 2024 at 3:15)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.7.2015.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 2 July 2015

Legal Profession Uniform Law Application Legislation Amendment Act 2015 No 7



New South Wales

Contents

Long title	3
1 Name of Act	3
2 Commencement	3
Schedule 1 (Repealed)	3
Schedule 2 Amendment of other legislation	3

Legal Profession Uniform Law Application Legislation Amendment Act 2015 No 7



New South Wales

An Act to amend the *Legal Profession Uniform Law Application Act 2014* and other legislation relating to the legal profession; to provide further for the application and supplementation of the Legal Profession Uniform Law in New South Wales; and for other purposes.

1 Name of Act

This Act is the *Legal Profession Uniform Law Application Legislation Amendment Act 2015*.

2 Commencement

- (1) This Act commences on the date of assent to this Act except as provided by subsection (2).
- (2) Schedule 2 commences on a day or days to be appointed by proclamation.

Schedule 1 (Repealed)

Schedule 2 Amendment of other legislation

2.1 Civil and Administrative Tribunal Act 2013 No 2

[1] Section 60 Costs

Omit section 60 (4) (b). Insert instead:

- (b) order costs to be assessed on the basis set out in the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*) or on any other basis.

[2] Section 89 Protection of representatives, witnesses and staff members

Omit "*Legal Profession Act 2004*" from the definition of **barrister** in section 89 (4).

Insert instead "*Legal Profession Uniform Law (NSW)*".

[3] Schedule 1 Savings, transitional and other provisions

Insert at the end of the Schedule (with appropriate Part and clause numbering):

Part Provision consequent on enactment of Legal Profession Uniform Law Application Legislation Amendment Act 2015

References to Legal Profession Uniform Law (NSW)

A reference in this Act (where relevant) to:

(a) the *Legal Profession Uniform Law (NSW)* includes a reference to the *Legal Profession Act 2004*, and

(b) a provision of the *Legal Profession Uniform Law (NSW)* includes a reference to the corresponding provision of the *Legal Profession Act 2004*.

[4] Schedule 5, clauses 4, 15 (definitions of “barrister” and “solicitor”), 16, 17 (1), 18, 20, 22 (1) and 29 (1) (e) and (4) (a)

Omit “*Legal Profession Act 2004*” wherever occurring.

Insert instead “*Legal Profession Uniform Law (NSW)*”.

[5] Schedule 5, clause 15

Omit “Part 7.3 of the *Legal Profession Act 2004*” from the definition of **Commissioner**.

Insert instead “Division 2 of Part 3 of the *Legal Profession Uniform Law Application Act 2014*”.

[6] Schedule 5, clause 15

Omit “Chapter 4 of the *Legal Profession Act 2004*” from the definition of **complaint**.

Insert instead “Chapter 5 of the *Legal Profession Uniform Law (NSW)*”.

[7] Schedule 5, clause 15

Insert in alphabetical order:

respondent lawyer means the lawyer (within the meaning it has when used alone in Chapter 5 of the *Legal Profession Uniform Law (NSW)*) who is the subject of a complaint.

[8] Schedule 5, clause 18 (1) (c)

Omit “an Australian lawyer”. Insert instead “a respondent lawyer”.

[9] Schedule 5, clause 19

Omit “Chapter 4 of the *Legal Profession Act 2004*”.

Insert instead “Chapter 5 of the *Legal Profession Uniform Law (NSW)*”.

[10] Schedule 5, clause 21

Omit clause 21 (1). Insert instead:

- (1) The following persons are entitled to appear at a hearing conducted by the Tribunal for the exercise of a Division function for the purposes of the *Legal Profession Uniform Law (NSW)*:
 - (a) in the case of an application for an administrative review of a decision made in relation to an Australian practising certificate or an Australian registration certificate—the applicant,
 - (b) in the case of a complaint—the respondent lawyer,
 - (c) in the case of a complaint against a barrister—the Council of the Bar Association,
 - (d) in the case of a complaint against a solicitor—the Council of the Law Society,
 - (e) in the case of a complaint where the respondent lawyer is neither a barrister nor a solicitor—either or both of the Councils,
 - (f) the Commissioner,
 - (g) the Attorney General.

[11] Schedule 5, clause 21 (2) (b)

Omit the paragraph. Insert instead:

- (b) without limiting paragraph (a), those aspects of the hearing that relate to a review of a decision to make an order under section 299 (Determination by local regulatory authority—unsatisfactory professional conduct) of the *Legal Profession Uniform Law (NSW)*,

[12] Schedule 5, clause 21 (6)

Omit the subclause.

[13] Schedule 5, clause 22 (3) (a)

Omit “Part 4.8 of the *Legal Profession Act 2004*”.

Insert instead “Part 11 of the *Legal Profession Uniform Law Application Act 2014*”.

[14] Schedule 5, clause 23

Omit “an Australian legal practitioner” and “an Australian legal practitioner’s” wherever occurring.

Insert instead “a respondent lawyer” and “a respondent lawyer’s” respectively.

[15] Schedule 5, clause 23 (2) and (3)

Omit “the practitioner” wherever occurring. Insert instead “the lawyer”.

[16] Schedule 5, clause 23 (3)

Omit “*Legal Profession Act 2004*”.

Insert instead “*Legal Profession Uniform Law Application Act 2014*”.

[17] Schedule 5, clause 23 (5)

Omit “the Australian legal practitioner”. Insert instead “the respondent lawyer”.

[18] Schedule 5, clause 23 (6)

Omit “Part 3.2 of the *Legal Profession Act 2004*”.

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[19] Schedule 5, clause 28

Omit “*Legal Profession Act 2004* concerning an Australian lawyer or former Australian lawyer” from clause 28 (1) (d).

Insert instead “*Legal Profession Uniform Law (NSW)* concerning a lawyer (within the meaning it has when used alone in Chapter 5 of that Law)”.

[20] Schedule 5, clause 29 (3) (a)

Omit “section 385 (2) of the *Legal Profession Act 2004*”.

Insert instead “section 89 (2) of the *Legal Profession Uniform Law Application Act 2014*”.

[21] Schedule 7 Examples of procedural rule-making powers

Omit “Part 3.2 of the *Legal Profession Act 2004*” from item 20.

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

2.2 Civil Liability Act 2002 No 22

[1] Section 26 Offer of structured settlement—legal costs

Omit “Section 340 of the *Legal Profession Act 2004*” from section 26 (1).

Insert instead “Clause 5 of Schedule 1 to the *Legal Profession Uniform Law Application Act 2014*”.

[2] Section 26T Exception for legal costs

Omit “*Legal Profession Act 1987* or the *Legal Profession Act 2004*” from section 26T (3).

Insert instead “legal profession legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[3] Section 26U Maximum legal costs of eligible claims

Omit section 26U (3) and (4). Insert instead:

- (3) Schedule 1 (Maximum costs in personal injury damages matters) to the *Legal Profession Uniform Law Application Act 2014* applies in respect of the maximum costs for legal services provided to a plaintiff in connection with a victim claim that is eligible to be satisfied from a victim trust fund as if subsections (1) and (2) of this section were substituted for subclauses (1) and (2) of clause 2 of that Schedule.

2.3 Civil Procedure Act 2005 No 28

[1] Section 3 Definitions

Omit the definition of **ordinary basis** from section 3 (1). Insert instead:

ordinary basis, in relation to the assessment of legal costs that a court has ordered to be paid, means the basis of assessing costs in accordance with Division 3 of Part 7 of the *Legal Profession Uniform Law Application Act 2014*.

[2] Section 9 Uniform rules

Omit section 9 (5). Insert instead:

- (5) This section does not give power to make rules with respect to:
 - (a) any matter relating to costs that is regulated by the legal profession legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act*

2014), or

- (b) any matter for which Admission Rules may be made under the *Legal Profession Uniform Law (NSW)*.

[3] Section 99 Liability of legal practitioner for unnecessary costs

Omit “Part 3.2 of the *Legal Profession Act 2004*” from section 99 (3).

Insert instead “Part 7 of the *Legal Profession Uniform Law Application Act 2014*”.

2.4 Commercial Arbitration Act 2010 No 61

[1] Section 24A Representation

Omit section 24A (2). Insert instead:

- (2) A person who is not an Australian legal practitioner does not commit an offence under or breach the provisions of the *Legal Profession Uniform Law (NSW)* or any other Act or law merely by representing a party in arbitral proceedings in this State.

[2] Section 33B Costs

Omit “assessed in the Court having jurisdiction under section 34 to hear applications setting aside the award” from section 33B (5).

Insert instead “assessed in accordance with section 33C”.

[3] Section 33C

Omit the section. Insert instead:

33C Application of legal costs legislation

- (1) For the purposes of section 33B (5), the costs of an arbitration are to be assessed in accordance with the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*).
- (2) The legal costs legislation applies accordingly with any necessary modifications. Part 7 of the *Legal Profession Uniform Law Application Act 2014* so applies as if the costs of the arbitration were ordered costs as defined in that Part.

Note—

There is no equivalent to this section in the Model Law.

2.5 Consumer Claims Act 1998 No 162

Section 7 Jurisdiction in respect of consumer claims

Omit “Part 3.2 of the *Legal Profession Act 2004*” from section 7 (5).

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

2.6 Conveyancers Licensing Act 2003 No 3

[1] Sections 4 (4), 7 (1) and 27 (5)

Omit “Part 2.2 of the *Legal Profession Act 2004*” wherever occurring.

Insert instead “Part 2.1 of the *Legal Profession Uniform Law (NSW)*”.

[2] Section 10 Disqualified persons

Omit “Division 3 of Part 2.2 of the *Legal Profession Act 2004*” from section 10 (1) (p).

Insert instead “Division 1 of Part 3.9 of the *Legal Profession Uniform Law (NSW)*”.

2.7 Conveyancers Licensing Regulation 2006

[1] Clause 6 Professional indemnity insurance: section 15

Omit clause 6 (3). Insert instead:

- (3) In this clause, **complying law practice** means a law practice within the meaning of the *Legal Profession Uniform Law (NSW)* that complies with the relevant requirements of Part 4.4 (Professional indemnity insurance) of that Law.

[2] Clause 7 Section 20 exemptions—person in charge at place of business

Insert at the end of clause 7 (1) (d) (iii):

and

- (iv) the relevant provisions of the *Legal Profession Uniform Law (NSW)* or the *Legal Profession Uniform Law Application Act 2014* (or both), and the relevant provisions of the rules and regulations under them,

2.8 Conveyancing Act 1919 No 6

Sections 66P (1) and 66Z (1)

Omit “*Legal Profession Act 2004*” wherever occurring.

Insert instead “*Legal Profession Uniform Law (NSW)*”.

2.9 Crimes (Domestic and Personal Violence) Act 2007 No 80

Section 86 Rules in application proceedings

Omit “Part 3.2 of the *Legal Profession Act 2004*” from section 86 (3).

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

2.10 Criminal Assets Recovery Act 1990 No 23

[1] Section 10B Contents and effect of restraining orders

Omit “Part 3.2 of the *Legal Profession Act 2004*” from section 10B (3B).

Insert instead “Part 7 of the *Legal Profession Uniform Law Application Act 2014*”.

[2] Section 16B Maximum legal expenses that can be met from restrained property

Omit “*Legal Profession Act 2004*” from section 16B (3).

Insert instead “*Legal Profession Uniform Law Application Act 2014*”.

2.11 Criminal Procedure Act 1986 No 209

[1] Sections 149F (5) and 247X (4)

Omit “legal profession rules made under Part 7.5 of the *Legal Profession Act 2004*” wherever occurring.

Insert instead “Uniform Rules made under Part 9.2 of the *Legal Profession Uniform Law (NSW)*”.

[2] Section 257G Calculation of costs

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*” from section 257G (b).

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[3] Schedule 1 Indictable offences triable summarily

Omit item 25 of Table 1. Insert instead:

25 Legal Profession Uniform Law (NSW)

An offence under section 148 (Deficiency in trust account) or section 353 (Improperly destroying property etc.) of the *Legal Profession Uniform Law (NSW)*.

2.12 Defamation Act 2005 No 77

[1] Schedule 1 Additional publications to which absolute privilege applies

Omit “Chapter 4 of the *Legal Profession Act 2004*” wherever occurring in clause 18 (a) and (b).

Insert instead “Chapter 5 of the *Legal Profession Uniform Law (NSW)*”.

[2] Schedule 1, clause 18

Omit “Chapter 2 or Part 7.3 of the *Legal Profession Act 2004*” from clause 18 (c)

Insert instead “Chapter 2 or 3 of the *Legal Profession Uniform Law (NSW)* or Division 2 of Part 3 of the *Legal Profession Uniform Law Application Act 2014*”.

[3] Schedule 2 Additional kinds of public documents

Omit “Chapter 4 of the *Legal Profession Act 2004*” from clause 2.

Insert instead “Chapter 5 of the *Legal Profession Uniform Law (NSW)*”.

[4] Schedule 3 Additional proceedings of public concern

Omit “Chapter 4 of the *Legal Profession Act 2004*” from clause 8.

Insert instead “Chapter 5 of the *Legal Profession Uniform Law (NSW)*”.

2.13 District Court Act 1973 No 9

[1] Section 18B Composition of the Rule Committee

Omit “*Legal Profession Act 2004*” wherever occurring in section 18B (9).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

[2] Sections 138 (2), 142 (2), 142F (2) and 161 (6)

Omit “Part 3.2 of the *Legal Profession Act 2004*” wherever occurring.

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

2.14 Dust Diseases Tribunal Act 1989 No 63

[1] Section 3 Definitions

Omit “*Legal Profession Act 2004*” wherever occurring in section 3 (1).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

[2] Section 32H Regulations to promote claims resolution

Omit “or the *Legal Profession Act 2004*” from section 32H (2) (h).

Insert instead “, the *Legal Profession Act 2004* or the legal profession legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[3] Section 33 Rules

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*” from section 33 (6).

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

2.15 Duties Act 1997 No 123

Section 65 Exemptions from duty

Omit “*Legal Profession Act 2004*” wherever occurring in section 65 (5).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

2.16 Electronic Transactions Act 2000 No 8

Schedule 1 Courts—electronic case management systems

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*” from clause 17.

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

2.17 Evidence Act 1995 No 25

[1] Section 117 Definitions

Omit the definition of **lawyer** from section 117 (1). Insert instead:

lawyer means an Australian lawyer, a foreign lawyer, or an employee or agent of either of them.

[2] Dictionary

Omit “*Legal Profession Act 2004*” wherever occurring in the definitions of **Australian lawyer**, **Australian legal practitioner** and **Australian practising certificate** in Part 1.

Insert instead “*Legal Profession Uniform Law (NSW)*”.

[3] Dictionary, Part 1

Omit the definitions of **Australian-registered foreign lawyer** and **overseas-registered foreign lawyer**.

[4] Dictionary, Part 1

Insert in alphabetical order:

foreign lawyer has the meaning it has in the *Legal Profession Uniform Law (NSW)*.

2.18 Evidence (Audio and Audio Visual Links) Act 1998 No 105

Section 11 Counsel entitled to practise

Omit section 11 (2).

2.19 Fair Trading Act 1987 No 68

Section 88A Relationship with certain provisions of other Acts

Omit “bill within the meaning of Part 3.2 of the *Legal Profession Act 2004*” from section 88A (2).

Insert instead “bill of costs referred to in Part 4.3 of the *Legal Profession Uniform Law (NSW)* (see section 187 of that Law)”.

2.20 Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

Schedule 1 Modification of Health Practitioner Regulation National Law

Omit “*Legal Profession Act 2004*” from Schedule 1 [13].

Insert instead “*Legal Profession Uniform Law (NSW)*”.

2.21 Independent Commission Against Corruption Act 1988 No 35

Section 109 Protection from liability

Omit “*Legal Profession Act 2004*” from section 109 (3).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

2.22 Industrial Relations Act 1996 No 17

Section 181 Costs

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*” from section 181 (1) (d).

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

2.23 Insurance Act 1902 No 49

Section 21 Exemption

Omit “or section 406 of the *Legal Profession Act 2004*” from section 21 (2) (c).

Insert instead “, Part 4.4 of the *Legal Profession Uniform Law (NSW)* or Part 8 of the *Legal Profession Uniform Law Application Act 2014*”.

2.24 Interpretation Act 1987 No 15

Section 21 Meanings of commonly used words and expressions

Omit the definitions of **Australian lawyer** and **Australian legal practitioner** from section 21 (1).

Insert instead:

Australian lawyer means a person admitted to the Australian legal profession.

Australian legal practitioner means an Australian lawyer who holds a current Australian practising certificate.

2.25 Land and Environment Court Act 1979 No 204

Section 74 Rules

Omit section 74 (6). Insert instead:

- (6) This section does not give power to make rules with respect to:
- (a) any matter relating to costs that is regulated by the legal profession legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*), or
 - (b) any matter for which Admission Rules may be made under the *Legal Profession Uniform Law (NSW)*.

2.26 Law and Justice Foundation Act 2000 No 97

Section 3 Definitions

Omit the definition of **Public Purpose Fund**. Insert instead:

Public Purpose Fund means the fund maintained under section 48 of the *Legal Profession Uniform Law Application Act 2014*.

2.27 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 2 Search warrants under other Acts

Omit “*Legal Profession Act 2004*”.

Insert instead “Legal profession legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

2.28 Legal Aid Commission Act 1979 No 78

[1] Section 4 Definitions

Omit the definition of **practising certificate** from section 4 (1).

[2] Sections 23A, 24, 28 and 64A

Omit “practising certificate” wherever occurring.

Insert instead “Australian practising certificate”.

[3] Section 25 Solicitor-client relationship

Omit “*Legal Profession Act 2004*” from section 25 (4) (c).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

[4] Section 52B Audits

Omit “Chapter 4 of the *Legal Profession Act 2004*” from section 52B (9).

Insert instead “Chapter 5 of the *Legal Profession Uniform Law (NSW)*”.

[5] Section 63 Payments into Fund

Omit “Division 7 of Part 3.1 of the *Legal Profession Act 2004*” from section 63 (1) (a).

Insert instead “section 48 of the *Legal Profession Uniform Law Application Act 2014*”.

[6] Section 64A Trust account

Omit “Part 3.1 of the *Legal Profession Act 2004*” from section 64A (4).

Insert instead “Part 4.2 of the *Legal Profession Uniform Law (NSW)*”.

2.29 Local Court Act 2007 No 93

[1] Section 25 Local Court Rule Committee

Omit “admitted to the legal profession under the *Legal Profession Act 2004*” from section 25 (4) (c).

Insert instead “who is an Australian lawyer”.

[2] Sections 42 (2) and 69 (2)

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*” wherever occurring.

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[3] Section 71 Rules in application proceedings

Omit “Part 3.2 of the *Legal Profession Act 2004*” from section 71 (3).

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

2.30 Motor Accidents Compensation Act 1999 No 41

[1] Section 94A Claims assessor may assess costs

Omit “matters set out in section 363 of the *Legal Profession Act 2004*” from section 94A (3) (d).

Insert instead “principles and matters referred to in section 200 of the *Legal Profession Uniform Law (NSW)*”.

[2] Section 94A (4)

Omit “section 384 or 385 of the *Legal Profession Act 2004* if the assessment were a determination made by a costs assessor under Part 3.2 of that Act”.

Insert instead “section 89 of the *Legal Profession Uniform Law Application Act 2014* if the assessment were a decision of a costs assessor under Part 7 of that Act”.

[3] Section 121 Regulation of advertising and other marketing of services

Omit “*Legal Profession Act 2014*” from section 121 (2).

Insert instead “*Legal Profession Uniform Law Application Act 2014*”.

[4] Section 147 Definitions

Omit section 147 (2) and the note at the end of the section.

Insert instead:

- (2) Except as provided by this Chapter, expressions used in this Chapter have the same meaning as they have when used in relation to legal costs in the legal profession legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*).

Note—

Under the *Legal Profession Uniform Law (NSW)*, the expression **legal costs** includes amounts payable to a law practice for legal services as well as other items that may be charged (such as disbursements) but does not include interest.

[5] Section 149 Regulations fixing maximum costs recoverable by Australian legal practitioners

Omit section 149 (4). Insert instead:

- (4) This section and any regulations under this section prevail to the extent of any inconsistency with the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*). An assessment under that legislation of any costs in respect of which provision is made by a regulation under this section is to be made so as to give effect to that regulation.

[6] Section 153 Other matters relating to costs

Omit “*Legal Profession Act 2004*” from section 153 (3).

Insert instead “*Legal Profession Uniform Law Application Act 2014*”.

2.31 Motor Accidents (Lifetime Care and Support) Act 2006 No 16

[1] Section 18 No legal costs payable by Authority

Omit “*Legal Profession Act 2004*” from section 18 (2).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

[2] Section 21 Legal costs

Omit section 21 (6). Insert instead:

- (6) This section and any regulations under this section prevail to the extent of any inconsistency with the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*). An assessment under that legislation of any costs in respect of which provision is made by a regulation under this section is to be made so as to give effect to that regulation.

[3] Section 21 (7)

Omit “*Legal Profession Act 2004*”. Insert instead “*Legal Profession Uniform Law (NSW)*”.

[4] Section 29 No legal costs payable for assessment or review

Omit “*Legal Profession Act 2004*” from section 29 (2).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

2.32 Ombudsman Act 1974 No 68

Schedule 1 Excluded conduct of public authorities

Omit “Chapter 4 or 6 of the *Legal Profession Act 2004*” from item 26.

Insert instead “Chapter 5 or 7 of the *Legal Profession Uniform Law (NSW)*”.

2.33 Police Integrity Commission Act 1996 No 28

[1] Section 65 Legal Profession Act 2004

Omit the section.

[2] Section 137 Protection from liability

Omit “*Legal Profession Act 2004*” from section 137 (6).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

2.34 Powers of Attorney Act 2003 No 53

[1] Section 25 Recognition of enduring powers of attorney made in other States and Territories

Omit “a qualified interstate legal practitioner” from section 25 (4).

Insert instead “an Australian legal practitioner”.

[2] Section 25 (5)

Omit the definition of ***qualified interstate legal practitioner***.

2.35 Public Defenders Act 1995 No 28

Section 3 Definitions

Omit “community legal centre within the meaning of section 48H of the *Legal Profession Act 1987*” from the definition of ***community legal centre***.

Insert instead “community legal service within the meaning of the *Legal Profession*

Uniform Law (NSW)".

2.36 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit "*Legal Profession Act 2004*".

Insert instead "*Legal Profession Uniform Law Application Act 2014*".

2.37 Real Property Act 1900 No 25

Section 133 Subrogation of rights to claim compensation

Omit "*Legal Profession Act 2004*" from section 133 (5).

Insert instead "*Legal Profession Uniform Law (NSW)*".

2.38 Retirement Villages Act 1999 No 81

[1] Section 4 Definitions

Omit the definition of **legal practitioner** from section 4 (1).

[2] Section 23 Deposits to be kept in trust

Omit "a legal practitioner's" from section 23 (3) (a).

Insert instead "an Australian legal practitioner's".

[3] Sections 28 (2) and (3), 29 (2) (a), 191 (1) (b) and 192 (3) (b)

Omit "a legal practitioner" wherever occurring.

Insert instead "an Australian legal practitioner".

[4] Section 28 (3)

Omit "that legal practitioner". Insert instead "that Australian legal practitioner".

[5] Sections 29 (2) (b) (i) and 30 (1)

Omit "the legal practitioner" wherever occurring.

Insert instead "the Australian legal practitioner".

2.39 Strata Schemes Management Act 1996 No 138

Section 230A Disclosure of matters relating to legal costs

Omit "Division 3 of Part 3.2 of the *Legal Profession Act 2004*".

Insert instead “Division 3 of Part 4.3 of the *Legal Profession Uniform Law (NSW)*”.

2.40 Succession Act 2006 No 80

[1] Section 98 Mediation, orders with consent and costs

Omit “*Legal Profession Act 2004*” from section 98 (5).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

[2] Section 99 Costs

Omit section 99 (3). Insert instead:

- (3) This section and any regulations under this section prevail to the extent of any inconsistency with the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*). An assessment under that legislation of any costs in respect of which provision is made by a regulation under this section is to be made so as to give effect to that regulation.

[3] Section 99 (4)

Omit “*Legal Profession Act 2004*”. Insert instead “*Legal Profession Uniform Law (NSW)*”.

2.41 Supreme Court Act 1970 No 52

[1] Section 48 Assignment to the Court of Appeal

Omit “*Legal Profession Act 2004*” from subparagraph (viii) of the definition of **specified tribunal** in section 48 (1) (a).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

[2] Section 123 Rule Committee

Omit “*Legal Profession Act 2004*” wherever occurring in section 123 (2A).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

[3] Section 124 Rule-making power

Omit section 124 (9). Insert instead:

- (9) This section does not give power to make rules with respect to any matter for which Admission Rules may be made under the *Legal Profession Uniform Law (NSW)*.

[4] Section 124 (10)

Omit “Part 3.2 of the *Legal Profession Act 2004*”.

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

2.42 Taxation Administration Act 1996 No 97

Section 82 Permitted disclosures—to particular persons

Omit section 82 (k) (viii). Insert instead:

(viii) the Legal Services Commissioner, a member of the Law Society Council, an external examiner appointed under section 155 of the *Legal Profession Uniform Law (NSW)* or an external investigator appointed under section 162 of that Law,

2.43 Unclaimed Money Act 1995 No 75

[1] Sections 12 (1A) (a) and 32 (4) (a)

Omit “section 266 of the *Legal Profession Act 2004*” wherever occurring.

Insert instead “section 14 of *Legal Profession Uniform Law Application Act 2014*”.

[2] Section 32 Chief Commissioner may process unclaimed money claims under other Acts

Omit “*Legal Profession Act 2004*” from section 32 (3).

Insert instead “*Legal Profession Uniform Law Application Act 2014*”.

2.44 Uniform Civil Procedure Rules 2005

[1] Rule 1.3 References to barristers and solicitors

Omit “*Legal Profession Act 2004*” from the note to rule 1.3 (1).

Insert instead “*Legal Profession Uniform Law (NSW)*”.

[2] Rule 4.2 Documents to be filed to contain certain information

Omit “section 347 (Restrictions on commencing proceedings without reasonable prospects of success) of the *Legal Profession Act 2004*” from rule 4.2 (3A).

Insert instead “clause 4 (Restrictions on commencing proceedings without reasonable prospects of success) of Schedule 2 to the *Legal Profession Uniform Law Application Act 2014*”.

[3] Rule 6.12 Relief claimed

Omit “section 329 (1) (c) of the *Legal Profession Act 2004*” wherever occurring in rule 6.12 (3) and (4).

Insert instead “section 59 (1) (d) of the *Legal Profession Uniform Law Application Act 2014*”.

[4] Rule 6.17 Payment towards liquidated claim stays proceedings on claim

Omit “*Legal Profession Act 2004*” from rule 6.17 (2) (b).

Insert instead “*Legal Profession Uniform Law Application Act 2014*”.

[5] Rules 16.4 (3) (e) (i), 16.5 (2) (d) (i), 16.6 (2) (e) (i) and 16.7 (2) (c) (i)

Omit “section 329 of the *Legal Profession Act 2004*” wherever occurring.

Insert instead “section 59 of the *Legal Profession Uniform Law Application Act 2014*”.

[6] Rule 36.10 Filing of cost assessors’ certificates

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*” from the note to rule 36.10.

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[7] Rule 39.3 Affidavit in support of application for writ of execution

Omit “section 329 (1) (c) of the *Legal Profession Act 2004*” from the note to rule 39.3 (2).

Insert instead “section 59 (1) (d) of the *Legal Profession Uniform Law Application Act 2014*”.

[8] Rule 39.3 (4) (c) (i) and (ii)

Omit the subparagraphs. Insert instead:

- (i) is not subject to any suspension under section 86 of the *Legal Profession Uniform Law Application Act 2014* that has not been ended under that section, and
- (ii) is not subject to any suspension under section 90 of the *Legal Profession Uniform Law Application Act 2014* that has not been ended under that section.

[9] Rule 39.35 Affidavit in support of application for garnishee order

Omit rule 39.35 (2) (c) (i) and (ii). Insert instead:

- (i) is not subject to any suspension under section 86 of the *Legal Profession Uniform Law Application Act 2014* that has not been ended under that section, and
- (ii) is not subject to any suspension under section 90 of the *Legal Profession Uniform Law Application Act 2014* that has not been ended under that section.

[10] Rule 39.45 Affidavit in support of application for charging order

Omit rule 39.45 (2) (b) (i) and (ii). Insert instead:

- (i) is not subject to any suspension under section 86 of the *Legal Profession Uniform Law Application Act 2014* that has not been ended under that section, and
- (ii) is not subject to any suspension under section 90 of the *Legal Profession Uniform Law Application Act 2014* that has not been ended under that section, and

[11] Schedule 11 Provisions regarding procedure in certain lists in the District Court

Omit clause 46 (3) (d). Insert instead:

- (d) the legal profession legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*).

[12] Dictionary

Omit the definition of **costs assessor's certificate** and the note to that definition.

Insert instead:

costs assessor's certificate means a certificate issued under Part 7 of the *Legal Profession Uniform Law Application Act 2014*.

[13] Dictionary, definition of "unrestricted practising certificate"

Omit the definition. Insert instead:

unrestricted practising certificate means an Australian practising certificate that is not subject to any condition under the law of any State or Territory requiring the holder to engage in supervised legal practice or restricting the holder to practise as or in the manner of a barrister.

2.45 Workers Compensation Regulation 2010

[1] Part 16

Omit "**legal services and**" from the heading.

[2] Part 16, Division 1, note

Omit "**Lawyer** means a legal practitioner and, as provided below, includes solicitor corporations and incorporated legal practices."

[3] Clause 78 Definitions

Omit the definition of *lawyer*.

[4] Part 16, Divisions 2 and 3, headings

Omit “**lawyers and**” wherever occurring.

[5] Clause 79 Restrictions on advertising work injury services

Omit “A lawyer or agent”. Insert instead “An agent”.

[6] Clauses 79, 81 (1), 83, 84 (1), 86 and 90 (1)

Omit “a lawyer or agent” wherever occurring. Insert instead “an agent”.

[7] Clauses 79 and 84 (1) (a) and (b)

Omit “legal services or” wherever occurring.

[8] Clause 79, note

Omit the note.

[9] Clauses 80, 82 (d) and (e), 85, 89, 91 (b) and 93

Omit the provisions.

[10] Clauses 81 (1) (a), (b) and (c) and (2) (definition of “practitioner directory”), 82 (a) and (b), 83, 84 (1) (a), (b) and (c) and (2) and 90 (1) (a), (b) and (c) and (2) (definition of “practitioner directory”)

Omit “the lawyer or” wherever occurring. Insert instead “the”.

[11] Clauses 81 (2) and 90 (2) (definition of “specialty”)

Omit the definition wherever occurring.

[12] Clause 83 Responsibility for employees and others

Omit “lawyer’s or”.

[13] Clause 88 Restrictions on work injury advertisements

Omit “use of a lawyer or agent (whether or not a particular lawyer or agent) to provide legal services or agent services” from clause 88 (1) (a).

Insert instead “use of an agent (whether or not a particular agent) to provide agent services”.

[14] Clause 88 (2)

Omit “lawyers or agents for the provision of legal services or agent services”.

Insert instead “agents for the provision of agent services”.

[15] Clause 90 (1) (c)

Omit “or legal”.

2.46 Workplace Injury Management and Workers Compensation Act 1998 No 86

[1] Section 112 Costs

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*” from section 112 (2) (c).

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[2] Sections 113 (4), 114 (3), 142 (2), 337 (2) and 339 (2)

Omit “*Legal Profession Act 2004*” wherever occurring.

Insert instead “*Legal Profession Uniform Law Application Act 2014*”.

[3] Section 113 (5)

Omit the subsection. Insert instead:

- (5) This section and any regulations under this section prevail to the extent of any inconsistency with the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*). An assessment under that legislation of any costs in respect of which provision is made by a regulation under this section is to be made so as to give effect to that regulation.

[4] Sections 113 (6) and 116 (4)

Omit “Part 3.2 of the *Legal Profession Act 2004*” wherever occurring.

Insert instead “the legal costs legislation”.

[5] Section 116 Solicitor/client costs in compensation proceedings

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*” from section 116 (3).

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[6] Sections 327 (8) and note and 352 (7A) and note

Omit “Section 345 of the *Legal Profession Act 2004*” wherever occurring.

Insert instead “Clause 2 of Schedule 2 to the *Legal Profession Uniform Law Application Act 2014*”.

[7] Sections 327 (8) and 352 (7A)

Omit “that section” wherever occurring. Insert instead “that clause”.

[8] Section 332 Definitions

Omit “Part 3.2 of the *Legal Profession Act 2004*” from section 332 (2).

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[9] Section 332, note

Omit the note.

[10] Section 334 Part prevails over legal costs legislation

Omit “*Legal Profession Act 2004* or the regulations under that Act”.

Insert instead “legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[11] Section 335 Assessment of costs

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*”.

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[12] Section 347 Regulations for costs assessment

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*” from section 347 (2).

Insert instead “the legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)”.

[13] Section 347 (3)

Omit “Division 11 of Part 3.2 of the *Legal Profession Act 2004*”.

Insert instead “the legal costs legislation”.

[14] Section 347 (5)

Omit “Part 3.2 of the *Legal Profession Act 2004*”.

Insert instead “the legal costs legislation”.

[15] Section 347 (5)

Omit “Division 11 of that Part”. Insert instead “the legal costs legislation”.