



New South Wales

Legal Profession Uniform Law Application Legislation Amendment Bill 2015

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The Legal Profession Uniform Law (the *Uniform Law*) establishes a scheme to regulate the legal profession in New South Wales and Victoria. The *Legal Profession Uniform Law Application Act 2014* (the *application Act*) applies the text of the Uniform Law as a law of this State, enacts complementary provisions for this State and repeals the *Legal Profession Act 2004* (the *repealed Act*). The formal and ancillary provisions of the application Act and the Uniform Law commenced on 1 July 2014. The remaining provisions of the application Act and the Uniform Law are yet to commence.

The object of this Bill is to amend the application Act to enable the commencement of the Uniform Law scheme.

The Bill also makes amendments to other legislation consequent on the commencement of the Uniform Law scheme and the repeal of the repealed Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent, other than the Schedule containing amendments to legislation other than the application Act, which commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Legal Profession Uniform Law Application Act 2014 No 16

General definitions

Schedule 1 [7] inserts general definitions for terms that are used throughout Acts and instruments in NSW. *Admission to the Australian legal profession*, *Australian practising certificate* and *Australian registration certificate* have the same meaning as in the Uniform Law. *Legal costs legislation* is defined to mean Parts 6 and 7 of, and Schedules 1, 2 and 6 to, the application Act and Part 4.3 of the Uniform Law. *Legal profession legislation* is defined to mean:

- (a) the application Act and regulations made under that Act (referred to as *local regulations*), and
- (b) the Uniform Law, and
- (c) the Legal Profession Uniform Regulations made under Part 9.1 of the Uniform Law (*Uniform Regulations*) as they apply in NSW, and
- (d) the Legal Profession Uniform Rules made under Part 9.2 of the Uniform Law (*Uniform Rules*) as they apply in NSW.

Legal costs legislation and legal profession legislation are terms used throughout the legislation amended by Schedule 2 to the proposed Act.

Legal Profession Admission Board

Schedule 1 [15] enables the Legal Profession Admission Board (referred to in the application Act as the *NSW Admission Board*) to make rules in relation to various matters, including administrative matters, registration of students-at-law, examination of candidates for registration and committees of the Board.

Schedule 1 [11] enables the Board to delegate its functions under the application Act or the Uniform Law to any of its committees or officers.

Schedule 1 [13] requires the Board to notify the Bar Council and Law Society Council of any applications for admissions. **Schedule 1 [12] and [14]** are consequential amendments.

Legal Services Commissioner, Bar Council and Law Society Council

Schedule 1 [16] authorises the Legal Services Commissioner (the *NSW Commissioner*) to delegate any of his or her functions under the Uniform Law to any member of the staff of the NSW Commissioner or to a person of a class prescribed by the regulations. **Schedule 1 [17]** authorises the NSW Commissioner to delegate any of the Commissioner's functions under Chapter 5 of the Uniform Law (which relates to dispute resolution and professional discipline) to the Bar Council or the Law Society Council.

Schedule 1 [19] and [22] authorise the Bar Council and the Law Society Council to delegate any of their functions under the Uniform Law to their committees, officers or employees. **Schedule 1 [20] and [23]** make it clear that the Councils are also authorised to delegate functions that are delegated to them under the Uniform Law.

Schedule 1 [18], [21] and [24] make consequential amendments.

Government and corporate lawyers

The application Act currently provides that the local regulations may exempt certain government lawyers from the requirement to hold an Australian practising certificate and may exclude or modify the operation of specified provisions of the Uniform Law in relation to government lawyers. **Schedule 1 [25]** extends this to excluding or modifying the operation of specified provisions made under the Uniform Law. **Schedule 1 [26]** provides a similar regulation-making power for corporate lawyers.

Legal costs—costs assessment

Schedule 1 [27] substitutes Part 7 of the application Act, which supplements Part 4.3 of the Uniform Law. Rather than applying provisions of the Uniform Law relating to solicitor-client costs to the assessment of party-party costs as the existing Part did, the new Part deals with the assessment of costs ordered by a court or tribunal (*ordered costs*) and costs payable on a solicitor-client basis (*Uniform Law costs*).

Division 2 deals with the assessment of both types of costs. Division 3 contains additional provisions for ordered costs and Division 4 contains additional provisions for Uniform Law costs. Division 5 deals with reviews of costs assessments and Division 6 deals with appeals against those reviews. Division 7 establishes the Costs Assessment Rules Committee, which may make rules (*costs assessment rules*). Division 8 contains miscellaneous provisions.

The new Part also extends the operation of the provisions of the Uniform Law that apply to solicitor-client costs to the costs of a barrister briefed directly by a client (proposed section 65 of the application Act).

Approved professional indemnity insurance policies

Schedule 1 [28] and [29] relate to the Attorney General's power to approve, by order in writing, professional indemnity insurance policies. Rather than providing that compliance with any conditions of an order is a prerequisite for a policy to be regarded as an approved policy, proposed section 95 (3A) of the application Act provides that, if any terms or conditions imposed by an order are not complied with by the insurer or provider of the policy, the order may be amended to prohibit or restrict the future issue of policies by that insurer or provider and that the Attorney General may take into account any such failure to comply when deciding whether to approve future policies.

Schedule 1 [30] omits provisions relating to evidence of approved professional indemnity insurance policies that are no longer necessary as the matter is proposed to be dealt with by the Uniform Rules.

Rights of review

Schedule 1 [31] provides for the rights of review to the Civil and Administrative Tribunal of New South Wales (*NCAT*) for matters relating to Australian practising certificates and registration certificates and certain consumer and disciplinary matters. It also restates a provision (currently section 166 (5) of the application Act) that enables local regulations to provide for further rights of review to NCAT.

Registers and publicising disciplinary action

Schedule 1 [32]–[35] broaden the application of Part 12 of the application Act, which currently deals with the keeping of registers and the publicising of disciplinary action in relation to Australian legal practitioners, so that it will also apply to Australian-registered foreign lawyers, Australian lawyers (who are not Australian legal practitioners) and to former Australian legal practitioners, Australian-registered foreign lawyers and Australian lawyers.

Savings and transitional provisions

Schedule 1 [43] inserts savings and transitional provisions consequent on the enactment of the proposed Act. In particular, proposed clause 10 of Schedule 9 to the application Act sets out transitional arrangements in relation to mortgage practices and managed investment schemes. For a period of 3 years, the prohibition on a law practice operating a managed investment scheme in section 258 of the Uniform Law will not apply. The existing prohibition in section 135 (2) of the *Legal Profession Act 2004* will continue to apply to incorporated legal practices and Part 3.5 of, and Schedule 8 to, that Act, will continue to apply in respect of existing mortgages and managed investment schemes. **Schedule 1 [31] and [41]** omit the provisions relating to mortgages in the application Act which are no longer necessary.

Schedule 1 [10] provides that the savings and transitional provisions in Part 3 of Schedule 4 to the Uniform Law apply in New South Wales (proposed section 18A of the application Act).

Schedule 1 [42] provides that local savings and transitional regulations are to have effect despite anything to the contrary in Schedule 4 to the Uniform Law (which contains savings and transitional provisions).

Miscellaneous

Schedule 1 [10] provides an exception to section 468 (1) of the Uniform Law, which provides that certain persons are not compellable in legal proceedings to give evidence or produce documents in relation to their involvement in the administration of the Uniform Law. The provision will not apply to proceedings, hearings or inquiries under the *Royal Commissions Act 1923*, the *Special Commissions of Inquiry Act 1983*, the *Independent Commission Against Corruption Act 1988*, the *Police Integrity Commission Act 1996* or the *Ombudsman Act 1974*. Proposed section 18B of the application Act reflects section 38A of the repealed Act.

Schedule 1 [8] and [9] make minor amendments to the bodies designated as local regulatory authorities and the courts and tribunals designated as tribunals for the purposes of the Uniform Law.

Schedule 1 [36] provides for the manner in which certain offences under the application Act and the Uniform Law are to be dealt with. It also inserts a provision providing that a contravention of the local regulations or the costs assessment rules may constitute unsatisfactory professional conduct or professional misconduct, whether or not the lawyer has been convicted of an offence in relation to the contravention.

Schedule 1 [37] makes it clear that local regulations may be made in relation to matters arising under the Uniform Law.

Schedule 1 [39] provides that local regulations may be made in relation to a barrister receiving or holding money for legal costs in advance of the barrister providing legal services.

Schedule 1 [40] restates a regulation-making power in relation to costs assessments.

Schedule 1 [44] omits amendments to the *Interpretation Act 1987* that are now located in Schedule 2 to the proposed Act.

Schedule 1 [1]–[3] make minor amendments to definitions used in the application Act.

Schedule 1 [4], [5], [6] and [38] are statute law revision amendments.

Schedule 2 Amendment of other legislation

Schedule 2 amends the various Acts, Regulations and Rules set out in that Schedule as a consequence of the repeal of the *Legal Profession Act 2004* and the commencement of the uncommenced provisions of the application Act and Uniform Law. References to the repealed Act and its provisions are replaced with references to the application Act or the Uniform Law as appropriate.



New South Wales

Legal Profession Uniform Law Application Legislation Amendment Bill 2015

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New South Wales

Legal Profession Uniform Law Application Legislation Amendment Bill 2015

No. , 2015

A Bill for

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.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Legal Profession Uniform Law Application Legislation Amendment Act 2015</i> .	3 4
2 Commencement	5
(1) This Act commences on the date of assent to this Act except as provided by subsection (2).	6 7
(2) Schedule 2 commences on a day or days to be appointed by proclamation.	8

Schedule 1	Amendment of Legal Profession Uniform Law Application Act 2014 No 16	1
		2
[1] Section 3 Definitions		3
	Omit the definition of <i>appropriate Council</i> from section 3 (1). Insert instead:	4
	<i>appropriate Council</i> means:	5
	(a) subject to paragraph (b), the Law Society Council, or	6
	(b) in relation to matters relating to barristers or former barristers (including an application for a practising certificate to practise as a barrister)—the Bar Council.	7
		8
		9
[2] Section 3 (1)		10
	Insert in alphabetical order:	11
	<i>committee</i> includes a subcommittee of a committee.	12
	<i>costs assessment rules</i> means rules under Division 7 of Part 7.	13
[3] Section 3 (1), definition of “Manager, Costs Assessment”		14
	Omit the definition. Insert instead:	15
	<i>Manager, Costs Assessment</i> means the person appointed as Manager, Costs Assessment under section 93B, and includes a delegate of that person and a person acting as or exercising the functions of the Manager, Costs Assessment.	16
		17
		18
[4] Section 3 (1), definition of “NSW Admission Board”		19
	Omit “NSW”.	20
[5] Section 3 (1), definition of “NSW Commissioner”		21
	Omit “NSW”.	22
[6] Section 3 (1), definition of “Secretary”		23
	Omit “Department of Attorney General and Justice”.	24
	Insert instead “Department of Justice”.	25
[7] Section 3A		26
	Insert after section 3:	27
3A General definitions for other legislation		28
	In any Act or instrument made under an Act:	29
	<i>admission to the Australian legal profession</i> has the same meaning as in the <i>Legal Profession Uniform Law (NSW)</i> .	30
		31
	<i>Australian practising certificate</i> has the same meaning as in the <i>Legal Profession Uniform Law (NSW)</i> .	32
		33
	<i>Australian registration certificate</i> has the same meaning as in the <i>Legal Profession Uniform Law (NSW)</i> .	34
		35
	<i>legal costs legislation</i> means:	36
	(a) Parts 6 and 7 of this Act, and	37
	(b) Schedules 1, 2 and 6 to this Act, and	38
	(c) Part 4.3 of the <i>Legal Profession Uniform Law (NSW)</i> , and	39

- (d) regulations or rules made under or for the purposes of the provisions referred to in paragraphs (a)–(c). 1
- legal profession legislation* means: 2
- (a) this Act and the local regulations, and 3
- (b) the *Legal Profession Uniform Law (NSW)*, and 4
- (c) the Uniform Regulations and the Uniform Rules as they apply in this jurisdiction. 5

[8] Section 11 Designation of local authorities and tribunals 6

Omit Table 1. Insert instead: 7

Table 1 Designated local regulatory authorities 8

Column 1 Provision of Legal Profession Uniform Law (NSW)	Column 2 Designated local regulatory authority
Chapter 2, section 14	Bar Council Law Society Council
Chapter 2, Part 2.2 (except section 23)	NSW Admission Board
Chapter 2, section 23	Bar Council Law Society Council
Chapter 3 (except sections 49, 50, 119, 120 and 121 and Part 3.4)	Appropriate Council
Chapter 3, section 49	Law Society Council
Chapter 3, section 50	Bar Council
Chapter 3, Part 3.4	Bar Council Law Society Council
Chapter 3, sections 119 and 120 (1)	Bar Council Law Society Council
Chapter 3, section 120 (4)	NSW Commissioner Bar Council Law Society Council
Chapter 3, section 121 (except in the case of a person convicted of a serious offence)	Appropriate Council
Chapter 3, section 121 (in the case of a person convicted of a serious offence)	NCAT
Chapter 4 (except sections 174, 178, 194, 197, 202, 205, 215, 256, 257 and 258)	Law Society Council
Chapter 4, sections 174, 178, 194, 197, 202 and 205	NSW Commissioner
Chapter 4, section 215	Appropriate Council
Chapter 4, sections 256 and 257	NSW Commissioner Appropriate Council
Chapter 4, section 258	Appropriate Council

Column 1 Provision of Legal Profession Uniform Law (NSW)	Column 2 Designated local regulatory authority
Chapter 5	NSW Commissioner Note. Section 405 (2) of the <i>Legal Profession Uniform Law (NSW)</i> contemplates that the local regulatory authority (the NSW Commissioner) may delegate Chapter 5 functions to a professional association (the Bar Association or Law Society). See also sections 29 (c) and 31 (1) (c) of this Act.
Chapter 6	Appropriate Council
Chapter 7 (except to the extent that it applies to complaint investigations)	NSW Commissioner Appropriate Council
Chapter 7 to the extent that it applies to complaint investigations	NSW Commissioner Note. These functions of the NSW Commissioner under Chapter 7 are "Chapter 5 functions" and therefore may be exercised by the Bar Association or Law Society by delegation. See the note in relation to Chapter 5 above.
Chapter 9, section 421 (2) (f)	NSW Admission Board
Chapter 9, section 436 (1)	NSW Admission Board (in relation to admissions) NSW Commissioner (in relation to Chapter 5 functions) Appropriate Council
Chapter 9, section 436 (2)	NSW Admission Board
Chapter 9, sections 437, 446, 447, 448, 449 and 453	NSW Admission Board NSW Commissioner Bar Council Law Society Council
Chapter 9, section 466 (7)	Appropriate Council
Schedule 3 (except clause 14)	Appropriate Council
Schedule 3, clause 14	NSW Commissioner

[9] Section 11 (3), Table 2

Omit the table. Insert instead:

Table 2 Designated tribunals

Column 1 Provision of Legal Profession Uniform Law (NSW)	Column 2 Designated tribunal
Chapter 2, section 23	NCAT
Chapter 3, sections 100 and 101 (except in relation to decisions under section 89 or 92)	Supreme Court
Chapter 3, sections 100 and 101 (in relation to decisions under section 89 or 92)	NCAT
Chapter 3, section 119	NCAT
Chapter 3, section 120	Supreme Court

Column 1	Column 2	
Provision of Legal Profession Uniform Law (NSW)	Designated tribunal	
Chapter 4, section 198 (4)	Manager, Costs Assessment	
Chapter 4, sections 247 and 248	Supreme Court	
Chapter 5, Part 5.4, Division 3	NCAT	
Chapter 5, Part 5.5	NCAT	
Chapter 5, section 314	NCAT	
Chapter 6, Parts 6.5 and 6.6	Supreme Court	
Chapter 9, sections 453, 456 and 457	A court that would have jurisdiction to order payment of the pecuniary penalty if it were a debt	
Chapter 9, section 474 (2)	Any designated tribunal referred to in this table	
[10] Sections 18A and 18B		1
Insert after section 18:		2
18A Part 3 of Schedule 4 applies		3
Part 3 of Schedule 4 to the <i>Legal Profession Uniform Law (NSW)</i> applies in New South Wales.		4 5
18B Non-compellability of certain witnesses		6
Section 468 (1) of the <i>Legal Profession Uniform Law (NSW)</i> does not apply to proceedings (including proceedings for an offence), hearings or inquiries under:		7 8 9
(a) the <i>Royal Commissions Act 1923</i> , or		10
(b) the <i>Special Commissions of Inquiry Act 1983</i> , or		11
(c) the <i>Independent Commission Against Corruption Act 1988</i> , or		12
(d) the <i>Police Integrity Commission Act 1996</i> , or		13
(e) the <i>Ombudsman Act 1974</i> .		14
Note. See section 468 (2) of that Law, which contemplates exceptions provided under jurisdictional legislation.		15 16
[11] Section 20A		17
Insert after section 20:		18
20A Delegation of functions of NSW Admission Board		19
The NSW Admission Board may delegate any of its functions under this Act (other than this power of delegation and the power to make rules under this Division) or the <i>Legal Profession Uniform Law (NSW)</i> to any of its committees or to an officer of the Board.		20 21 22 23
[12] Section 21 Entitlement to be represented, heard and make representations		24
Renumber paragraphs (a) and (b) of section 21 (2) as paragraphs (b) and (c).		25

[13] Section 21 (2)	1
Insert before renumbered section 21 (2) (b):	2
(a) any application for admission, and	3
[14] Section 21 (3)	4
Omit the subsection.	5
[15] Section 21A	6
Insert after section 21:	7
21A NSW Admission Board Rules	8
(1) The NSW Admission Board may make rules for or with respect to:	9
(a) any administrative matters relating to the functions of the Board, and	10
(b) registration and deregistration as, and the discipline of, students-at-law and the qualifications for registration, and	11
(c) the examination and assessment in academic subjects of candidates for registration and students-at-law, and	12
(d) fees and costs payable for registration and students-at-law (other than fees for admission to the Australian legal profession) and the refund or remission of fees.	13
(2) Without limiting subsection (1) or the power of the NSW Admission Board to delegate functions under section 20A, the rules may:	14
(a) provide for the establishment, dissolution and procedures of committees of the Board, and	15
(b) confer or provide for conferring functions on a committee, including any functions of the Board, and	16
(c) provide that a committee exercises any of its functions in an advisory capacity or as delegate of the Board.	17
(3) A rule may do any of the following:	18
(a) apply generally or be limited in its application by reference to specified exceptions or factors,	19
(b) apply differently according to different factors of a specified kind,	20
(c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body.	21
(4) A rule made under this section must not be inconsistent with:	22
(a) this Act, or	23
(b) the <i>Legal Profession Uniform Law (NSW)</i> , or	24
(c) the Admission Rules made by the Legal Services Council under Part 9.2 of that Law.	25
(5) The rules must be published on the NSW legislation website.	26
(6) Sections 40 and 41 of the <i>Interpretation Act 1987</i> apply to the rules in the same way as they apply to a statutory rule.	27
[16] Section 28 Delegation of functions of NSW Commissioner	28
Insert “or the <i>Legal Profession Uniform Law (NSW)</i> ” after “delegation”.	29
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[17] Section 28 (2)	1
Insert at the end of the section, before the note:	2
(2) The NSW Commissioner may delegate any of his or her Chapter 5 functions to the Bar Council or the Law Society Council.	3
Note. Under the <i>Legal Profession Uniform Law (NSW)</i> , Chapter 5 functions means:	4
(a) functions under Chapter 5, or	5
(b) functions under another provision of that Law relating to Chapter 5, or	6
(c) functions under the Uniform Rules relating to Chapter 5.	7
[18] Section 28, note	8
Omit the note. Insert instead:	9
Note. Section 406 of the <i>Legal Profession Uniform Law (NSW)</i> provides that a local regulatory authority may delegate its functions under that Law to an entity prescribed by jurisdictional legislation. The local regulations may also prescribe delegates or classes of delegates of local regulatory authorities (see section 166).	10
[19] Section 30 Delegation of functions of Bar Council	11
Insert “or the <i>Legal Profession Uniform Law (NSW)</i> ” after “delegation”).	12
[20] Section 30 (2)	13
Insert at the end of the section, before the note:	14
(2) For the purposes of this section, the functions of the Bar Council under the <i>Legal Profession Uniform Law (NSW)</i> include any functions delegated to the Bar Council under that Law.	15
[21] Section 30, note	16
Omit the note. Insert instead:	17
Note. Section 406 of the <i>Legal Profession Uniform Law (NSW)</i> provides that a local regulatory authority may delegate its functions under that Law to an entity prescribed by jurisdictional legislation. The local regulations may also prescribe delegates or classes of delegates of local regulatory authorities (see section 166).	18
[22] Section 32 Delegation of functions of Law Society Council	19
Insert “or the <i>Legal Profession Uniform Law (NSW)</i> ” after “Committee”).	20
[23] Section 32 (2)	21
Insert at the end of the section, before the note:	22
(2) For the purposes of this section, the functions of the Law Society Council under the <i>Legal Profession Uniform Law (NSW)</i> include any functions delegated to the Law Society Council under that Law.	23
[24] Section 32, note	24
Omit the note. Insert instead:	25
Note. Section 406 of the <i>Legal Profession Uniform Law (NSW)</i> provides that a local regulatory authority may delegate its functions under that Law to an entity prescribed by jurisdictional legislation. The local regulations may also prescribe delegates or classes of delegates of local regulatory authorities (see section 166).	26
[25] Section 45 Government lawyers	27
Insert “, or made under,” after “specified provisions of” in section 45 (1) (b).	28

[26] Section 45A	1
Insert after section 45:	2
45A Corporate lawyers	3
(1) The local regulations may make provision for or with respect to:	4
(a) exempting persons or classes of persons from the requirement to hold Australian practising certificates, either generally or for specified periods, in respect of their functions as corporate lawyers, and	5 6 7
(b) without limitation, excluding or modifying the operation of specified provisions of, or made under, the <i>Legal Profession Uniform Law (NSW)</i> (including provisions of Parts 2.2 and 3.3 of that Law) to the extent that any of those provisions would otherwise be applicable to any persons, or classes of persons, as corporate lawyers.	8 9 10 11 12
(2) In this section, <i>corporate lawyer</i> means a person who engages in legal practice only:	13 14
(a) as an employee who provides legal services in the capacity of an in-house lawyer for his or her employer or a related entity, and	15 16
(b) if he or she:	17
(i) so acts in the ordinary course of his or her employment, and	18
(ii) receives no fee, gain or reward for so acting other than his or her ordinary remuneration as an employee,	19 20
but does not include a government lawyer.	21
[27] Part 7	22
Omit the Part. Insert instead:	23
Part 7 Legal costs—costs assessment	24
Division 1 Preliminary	25
63 Definitions	26
In this Part:	27
<i>costs assessor</i> means a person appointed to be a costs assessor under section 93C.	28 29
<i>ordered costs</i> means costs payable under an order or rule of a court or tribunal.	30
<i>review panel</i> means a review panel referred to in section 82.	31
<i>Uniform Law costs</i> means legal costs referred to in Division 7 of Part 4.3 of the <i>Legal Profession Uniform Law (NSW)</i> and (without limitation) legal costs referred to in section 65 of this Act.	32 33 34
64 Application of this Part	35
(1) This Part applies to Uniform Law costs and ordered costs.	36
Note. This Part also applies to costs of an arbitration, as provided in sections 33B and 33C of the <i>Commercial Arbitration Act 2010</i> .	37 38
(2) This Part has effect subject to:	39
(a) any other legislation, or	40
(b) any order or direction of the court or tribunal concerned (except as regards section 74 (3)).	41 42

65	Costs of barrister briefed directly by client	1
	The <i>Legal Profession Uniform Law (NSW)</i> applies as if Division 7 of Part 4.3 of that Law also applied to legal costs of a barrister briefed directly by a client.	2 3
Division 2	Costs assessment generally	4
66	Provision for costs assessment	5
	Costs to which this Part applies may be the subject of assessment if the costs assessment rules, the relevant court or tribunal, the rules of the relevant court or tribunal or other legislation so provides.	6 7 8
	Note. Section 166 (4) provides that the local regulations may make provision for any matters for which costs assessment rules may be made.	9 10
67	Conduct of costs assessments	11
	Subject to this Act and the <i>Legal Profession Uniform Law (NSW)</i> , assessments of legal costs are to be conducted in accordance with the costs assessment rules.	12 13 14
68	Applications for costs assessment	15
(1)	Subject to this section, applications for an assessment of the whole or any part of legal costs are to be made in accordance with the costs assessment rules.	16 17
(2)	An application for costs assessment must:	18
(a)	be filed with the Manager, Costs Assessment, and	19
(b)	be accompanied by the fee prescribed by the local regulations, and	20
(c)	be served on the other parties to the costs assessment in accordance with the costs assessment rules.	21 22
(3)	The Manager, Costs Assessment may waive or postpone payment of the application fee either wholly or in part if satisfied that the applicant is in such circumstances that payment of the fee would result in serious hardship to the applicant or his or her dependants.	23 24 25 26
(4)	The Manager, Costs Assessment may refund the application fee either wholly or in part if satisfied that it is appropriate because the application is not proceeded with.	27 28 29
69	Consideration of applications	30
(1)	A costs assessor must give an applicant, and any law practice or client or other person concerned, a reasonable opportunity to make submissions to the costs assessor in relation to the application, and give due consideration to any submissions so made.	31 32 33 34
(2)	In considering an application, a costs assessor is not bound by the rules of evidence and may inform himself or herself on any matter in the manner he or she thinks fit.	35 36 37
70	Certificate as to determination of costs to parties	38
(1)	On making a determination of costs, a costs assessor is to issue a certificate that sets out the determination and includes:	39 40
(a)	the amount of costs determined (including any GST component the costs assessor determines is payable), and	41 42

(b)	the amount of any costs of the costs assessment determined under section 78 of this Act or section 204 of the <i>Legal Profession Uniform Law (NSW)</i> , and	1 2 3
(c)	any interest on those amounts:	4
(i)	determined under section 81 of this Act, or	5
(ii)	payable under section 101 of the <i>Civil Procedure Act 2005</i> .	6
(2)	A costs assessor may issue one or more certificates in relation to an application for costs assessment. Certificates may be issued at the same time or at different stages of the assessment process.	7 8 9
(3)	A costs assessor may issue one certificate in relation to a single application for an assessment of costs that are payable under multiple orders, rules or awards made between the same parties in one or related proceedings, as long as the certificate specifies the amount determined for each order, rule or award separately.	10 11 12 13 14
(4)	In the case of an amount of money specified in a certificate that has been paid, the amount (if any) by which the amount paid exceeds the amount specified in the certificate may be recovered as a debt in a court of competent jurisdiction.	15 16 17
(5)	In the case of an amount of money specified in a certificate that has not been paid, the certificate is, on the filing of the certificate in the office or registry of a court having jurisdiction to order the payment of that amount of money, and with no further action, taken to be a judgment of that court for the amount of unpaid money. The rate of any interest payable in respect of that amount of money is the rate of interest in the court in which the certificate is filed.	18 19 20 21 22 23
(6)	This section does not apply to costs referred to in section 71 (1) (a) and (b).	24
71	Certificate as to determination of costs of costs assessor and Manager, Costs Assessment	25 26
(1)	On making a determination of costs, a costs assessor is to separately determine:	27 28
(a)	the amount of the costs incurred by the costs assessor and the Manager, Costs Assessment, and	29 30
(b)	the costs related to the remuneration of the costs assessor, and	31
(c)	by whom those costs are payable and the extent to which they are so payable.	32 33
(2)	On making a determination under this section, a costs assessor is to issue a certificate that sets out the determined costs.	34 35
(3)	The certificate is, on the filing of the certificate in the office or registry of a court having jurisdiction to order the payment of that amount of money, and with no further action, taken to be a judgment of that court against the party to the assessment by whom the costs are payable in favour of:	36 37 38 39
(a)	a party to the assessment that has paid some or all of the amount to the Manager, Costs Assessment—for that amount, and	40 41
(b)	the Manager, Costs Assessment—for any amount of unpaid money.	42
72	Determination of costs when agreed	43
	A costs assessor or review panel may determine that the amount of fair and reasonable costs is the amount agreed to by the parties if, during the course of the assessment or proceedings before the review panel, the parties notify the	44 45 46

assessor or panel (as the case may be) that they have agreed on the amount of those costs.	1 2
73 Costs determination to be final	3
A costs determination is binding on all parties and no appeal or other assessment lies in respect of the determination, except as provided by this Part.	4 5
Division 3 Assessment of ordered costs—additional provisions	6
74 Applications for costs assessment of ordered costs	7
(1) An application for assessment of the whole or any part of ordered costs may be made by:	8 9
(a) a person who has paid or is liable to pay those costs, or	10
(b) a person who has received or is entitled to receive those costs.	11
(2) A court or tribunal may refer for assessment costs payable under an order made by the court or tribunal. Such a reference is taken to be an application duly made for assessment of the costs.	12 13 14
(3) This section does not confer jurisdiction or power to refer costs for assessment except under an order or award that the court or tribunal can otherwise make.	15 16
(4) A single application or reference may be made in respect of costs payable under multiple orders, rules or awards made between the same parties in one or related proceedings.	17 18 19
75 Conduct of costs assessments of ordered costs	20
(1) An assessment of ordered costs must be made in accordance with:	21
(a) the terms of the order, rule or award under which the costs are payable, and	22 23
(b) the rules of the relevant court or tribunal that made the order for costs, and	24 25
(c) any relevant regulations, and	26
(d) any order made for interest on costs under section 101 of the <i>Civil Procedure Act 2005</i> .	27 28
(2) If a court or tribunal has ordered that costs are to be assessed on an indemnity basis, the costs assessor must assess the costs on that basis, having regard to any relevant rules of the court or tribunal and any relevant regulations.	29 30 31
76 Criteria for costs assessments of ordered costs	32
(1) In conducting an assessment of ordered costs, the costs assessor must determine what is a fair and reasonable amount of costs for the work concerned.	33 34 35
(2) In considering what is a fair and reasonable amount of costs for the work concerned, the costs assessor may have regard to the factors in section 172 (1) and (2) of the <i>Legal Profession Uniform Law (NSW)</i> (as if that section also applies to ordered costs and so applies with any necessary modifications).	36 37 38 39
77 Use of costs agreements in connection with ordered costs	40
(1) A costs assessor may, when conducting an assessment of ordered costs, obtain a copy of, and may have regard to, a costs agreement.	41 42

(2)	However, for the purposes of the assessment, a costs agreement is not conclusive as to what is the fair and reasonable amount of costs for the work concerned.	1 2 3
78	Costs of costs assessment of ordered costs	4
(1)	Subject to any order or rules of the court or tribunal concerned, a costs assessor is to determine the costs of an assessment of ordered costs and by whom they are payable.	5 6 7
(2)	This section does not apply to costs referred to in section 71 (1) (a) and (b).	8
79	Court or tribunal may determine matters	9
	This Part does not limit any power of a court or a tribunal to determine in any particular case:	10 11
(a)	the amount of costs payable, or	12
(b)	that the amount of the costs is to be determined on an indemnity basis.	13
80	Application of provisions of Legal Profession Uniform Law (NSW)	14
	The following provisions of the <i>Legal Profession Uniform Law (NSW)</i> apply in relation to ordered costs in the same way as they apply in relation to Uniform Law costs:	15 16 17
(a)	section 201 (Reasons to be given),	18
(b)	section 202 (Referral for disciplinary action),	19
(c)	section 203 (Admissibility determinations in disciplinary proceedings).	20
Division 4	Assessment of Uniform Law costs—additional provisions	21 22
81	Interest on costs	23
(1)	A costs assessor may, in respect of the amount of Uniform Law costs or a specified part of that amount, determine that:	24 25
(a)	interest is payable at a rate determined by the assessor that does not exceed the rate referred to in section 195 (4) of the <i>Legal Profession Uniform Law (NSW)</i> , or	26 27 28
(b)	no interest is payable.	29
(2)	This section applies despite any costs agreement or anything else in section 195 of the <i>Legal Profession Uniform Law (NSW)</i> .	30 31
(3)	This section does not authorise the giving of interest on interest.	32
Division 5	Reviews	33
82	Review panels	34
	Review panels are established under the costs assessment rules and are each constituted by 2 costs assessors appointed under those rules. A review panel may be established for one or more costs reviews.	35 36 37
83	Application by party for review	38
(1)	A party to a costs assessment may apply for a review of a determination of a costs assessor.	39 40

(2)	Subject to this section, an application for a review is to be made in accordance with the costs assessment rules.	1 2
(3)	An application for a review must:	3
(a)	be filed with the Manager, Costs Assessment, and	4
(b)	be accompanied by the fee (if any) prescribed by the local regulations, and	5 6
(c)	be served on the other parties to the costs assessment concerned in accordance with the costs assessment rules.	7 8
(4)	The Manager, Costs Assessment may waive or postpone payment of the application fee either wholly or in part if satisfied that the applicant is in such circumstances that payment of the fee would result in serious hardship to the applicant or his or her dependants.	9 10 11 12
(5)	The Manager, Costs Assessment may refund the application fee either wholly or in part if satisfied that it is appropriate because the application is not proceeded with.	13 14 15
84	Application by Manager, Costs Assessment for review	16
(1)	The Manager, Costs Assessment may, within 30 days after the issue of a certificate of determination by a costs assessor, apply for a review of the determination.	17 18 19
(2)	An application for a review must:	20
(a)	be made in accordance with the costs assessment rules, and	21
(b)	be served on the parties to the proposed review in accordance with the costs assessment rules.	22 23
85	Conduct of reviews	24
(1)	A review panel may, on an application made under section 83 or 84, review the determination of a costs assessor and may:	25 26
(a)	affirm the costs assessor's determination, or	27
(b)	set aside the costs assessor's determination and substitute the determination that, in its opinion, should have been made by the costs assessor.	28 29 30
(2)	The review panel has, in relation to the application for review, all the functions of a costs assessor in relation to the assessment concerned and is to determine the application, subject to this Part and the costs assessment rules, in the manner that a costs assessor would be required to determine an application for costs assessment.	31 32 33 34 35
(3)	Without limiting subsection (2), the review panel is not bound by the rules of evidence and may inform itself on any matter in the manner it thinks fit.	36 37
(4)	If the costs assessors who constitute the review panel are unable to agree on a determination in relation to an application, the panel is to affirm the determination of the costs assessor.	38 39 40
86	Effect of review on costs assessor's determination	41
(1)	If an application is made to a review panel to review a costs assessor's determination under section 83 or 84, the operation of the determination is suspended.	42 43 44

(2)	The review panel may end a suspension:	1
(a)	if it affirms the determination of the costs assessor, or	2
(b)	in such other circumstances as it considers appropriate.	3
87	Certificate as to review panel's substituted determination of costs to parties	4
(1)	If, on review of a costs assessor's determination, a review panel sets aside and substitutes the determination, the panel is to issue a certificate that sets out its determination. The certificate is to include the amounts set out in section 70 (1) (a)–(c).	5 6 7 8
(2)	Section 70 (2)–(6) apply to a certificate issued by a review panel under this section in the same way as they apply to a certificate issued by a costs assessor under section 70.	9 10 11
88	Certificate as to determination of costs of review panel	12
(1)	On a review of a costs assessor's determination, a review panel may separately determine:	13 14
(a)	the amount of the costs incurred by the review panel or the Manager, Costs Assessment in the course of the review, and	15 16
(b)	the costs related to the remuneration of the costs assessors who constitute the review panel, and	17 18
(c)	by whom those costs are payable and the extent to which they are so payable.	19 20
(2)	If the review panel makes such a determination, the panel is to issue a certificate that sets out the determined costs.	21 22
(3)	Section 71 (3) applies to a certificate issued by a review panel under this section in the same way as it applies to a certificate issued by a costs assessor under section 71.	23 24 25
Division 6	Appeals	26
89	Appeal to District Court on matters of law and fact	27
(1)	A party to a costs assessment that has been the subject of a review under this Part may, in accordance with the rules of the District Court, appeal to the Court against a decision of the review panel concerned as to a matter of law.	28 29 30
(2)	A party to a costs assessment that has been the subject of a review under this Part may, in accordance with the rules of the District Court, seek leave of the Court to appeal to the Court against a decision of the review panel concerned.	31 32 33
(3)	The District Court has all the functions of the review panel.	34
(4)	An appeal is to be by way of a rehearing, and fresh evidence or evidence in addition to or in substitution for the evidence before the review panel or costs assessor may, with the leave of the Court, be given on the appeal.	35 36 37
90	Effect of appeal on review panel decision	38
(1)	If an appeal against a decision of a review panel under section 89 or an application for leave under that section in relation to a determination by a costs assessor is pending in the District Court, either the review panel or the District Court may suspend the operation of the determination or the decision.	39 40 41 42
(2)	The review panel or the District Court may end a suspension made by the review panel. The District Court may end a suspension it made.	43 44

(3)	A suspension ends when (as the case may be):	1
(a)	the appeal is determined, or	2
(b)	the application for leave is dismissed, discontinued or struck out or lapses.	3 4
91	Notices of appeal	5
	The party initiating an appeal or an application for leave to appeal must serve a copy of the initiating process on the Manager, Costs Assessment and every other party to the review from which the appeal is brought or to which the application relates.	6 7 8 9
Division 7	Costs assessment rules	10
92	Costs Assessment Rules Committee	11
(1)	There is to be a Costs Assessment Rules Committee consisting of the following persons appointed by the Chief Justice of New South Wales:	12 13
(a)	a Judge of the Supreme Court,	14
(b)	a Judge of the District Court nominated by the Chief Judge of the District Court,	15 16
(c)	a barrister nominated by the Bar Council,	17
(d)	a solicitor nominated by the Law Society Council,	18
(e)	a person nominated by the NSW Commissioner,	19
(f)	costs assessors chosen by the Chief Justice.	20
(2)	The Committee has any of the functions conferred or imposed on the Committee by or under this or any other Act.	21 22
(3)	The Committee is to regulate its own proceedings for the calling of meetings and the conduct of its business.	23 24
(4)	The Manager, Costs Assessment is the Secretary of the Committee.	25
(5)	Any amount payable from the Public Purpose Fund under section 53 for the purpose of meeting the costs of the Committee is to be paid to the Treasurer for credit of the Consolidated Fund.	26 27 28
93	Costs assessment rules	29
(1)	The Costs Assessment Rules Committee may make rules (<i>costs assessment rules</i>), not inconsistent with this Act or the <i>Legal Profession Uniform Law (NSW)</i> , for or with respect to costs assessments and reviews, including without limitation:	30 31 32 33
(a)	the making, timing and processing of applications for costs assessments and reviews, and	34 35
(b)	the conduct of costs assessments and reviews, including:	36
(i)	the practice and procedure for costs assessments and reviews, and	37
(ii)	the appointment of costs assessors to conduct costs assessments, and	38 39
(iii)	the establishment of review panels and the appointment of costs assessors to review panels, and	40 41
(iv)	matters relating to the interests of costs assessors in particular matters, and	42 43

	(v) the determination and payment of the costs of costs assessments and reviews, and	1 2
	(vi) the issue of certificates of determinations, and	3
	(vii) the giving of reasons for determinations and the provision of supplementary information to accompany the reasons, and	4 5
	(viii) the suspension of a costs determination in the event of an application for a costs review, and	6 7
	(c) requiring a person (including an applicant, the law practice concerned, any other law practice or client, or a costs assessor) to produce documents, to provide information (verified by statutory declaration if the requirement so states), or otherwise to assist in, or co-operate with, the determination or finalisation of an assessment or review, and	8 9 10 11 12
	(d) requiring documents produced in response to a requirement referred to in paragraph (c) to be returned or otherwise disposed of within a period specified in or determined in accordance with the rules, and	13 14 15
	(e) the correction of errors in a determination.	16
(2)	A rule may do any of the following:	17
	(a) apply generally or be limited in its application by reference to specified exceptions or factors,	18 19
	(b) apply differently according to different factors of a specified kind,	20
	(c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body.	21 22
(3)	The rules must be published on the NSW legislation website.	23
(4)	Sections 40 and 41 of the <i>Interpretation Act 1987</i> apply to the rules in the same way as they apply to a statutory rule.	24 25
(5)	The local regulations prevail over the rules in the event of an inconsistency.	26
93A	Compliance with requirements about documents and other matters	27
(1)	This section applies to a requirement referred to in section 93 (1) (c) or (d).	28
(2)	A person who is subject to a requirement to which this section applies must comply with the requirement.	29 30
	Maximum penalty: the penalty specified in the costs assessment rules in relation to a contravention of the requirement (not exceeding 50 penalty units).	31 32
(3)	If a person fails, without reasonable excuse, to comply with a requirement to which this section applies, the costs assessor or review panel may decline to deal with the application or may continue to deal with the application on the basis of the information provided.	33 34 35 36
(4)	A failure by an Australian legal practitioner to comply with a requirement to which this section applies without reasonable excuse is capable of being unsatisfactory professional conduct or professional misconduct.	37 38 39
Division 8	Miscellaneous	40
93B	Manager, Costs Assessment	41
(1)	The Chief Justice of New South Wales may appoint a registrar of the Supreme Court as Manager, Costs Assessment.	42 43
(2)	The Manager, Costs Assessment has the functions conferred on the Manager, Costs Assessment by or under this or any other Act.	44 45

(3)	The acts and decisions of the Manager, Costs Assessment are reviewable by the Supreme Court in the same manner as acts and decisions of other registrars are reviewable by the Court.	1 2 3
(4)	Service by the Manager, Costs Assessment of a copy of an application for a costs assessment on relevant parties in accordance with the costs assessment rules is taken to be notification by a costs assessor as required by section 198 (8) of the <i>Legal Profession Uniform Law (NSW)</i> .	4 5 6 7
93C	Costs assessors	8
(1)	The Chief Justice of New South Wales may appoint persons to be costs assessors.	9 10
(2)	A costs assessor has the functions that are conferred on the costs assessor by or under this or any other Act or the <i>Legal Profession Uniform Law (NSW)</i> .	11 12
(3)	For the purpose of determining an application for assessment or exercising any other function as a costs assessor, a costs assessor may determine any anterior or incidental question of fact or law, but not so as to establish an issue estoppel for that question for the purpose of any other proceedings.	13 14 15 16
(4)	A costs assessor is not an officer of the Supreme Court when acting as a costs assessor.	17 18
(5)	Proceedings relating to anything done or omitted to be done by the Chief Justice of New South Wales in respect of the appointment or removal of a costs assessor (including terms of appointment and any other incidental matters) may not be instituted against the Chief Justice of New South Wales but may be instituted against “The Manager, Costs Assessment” as nominal defendant.	19 20 21 22 23
(6)	Schedule 6 contains provisions relating to costs assessors.	24
93D	Confidentiality	25
	A costs assessor must not disclose any information obtained in connection with the exercise of the costs assessor’s functions (including any functions as a member of a review panel) unless the disclosure is made:	26 27 28
(a)	in connection with the exercise of those functions or the administration or execution of this Act or the <i>Legal Profession Uniform Law (NSW)</i> , or	29 30
(b)	for the purposes of any legal proceedings arising out of this Act or the <i>Legal Profession Uniform Law (NSW)</i> , or of any report of any such proceedings, or	31 32 33
(c)	in the case of information relating to an Australian legal practitioner or other person—with the consent of the practitioner or other person, or	34 35
(d)	with other lawful excuse.	36
	Maximum penalty: 20 penalty units.	37
93E	Referral of matters for costs assessment under Chapter 5 of the Legal Profession Uniform Law (NSW)	38 39
	No fee is payable for an application for a costs assessment arranged by the designated local regulatory authority under section 284 of the <i>Legal Profession Uniform Law (NSW)</i> .	40 41 42
93F	Protection from liability	43
(1)	No liability attaches to a relevant person for any act or omission done or omitted in good faith and in the administration of this Part or (without limitation) the exercise or purported exercise of functions under this Part.	44 45 46

(2)	In this section:	1
	<i>relevant person</i> means:	2
(a)	the Chief Justice of New South Wales, or	3
(b)	the Manager, Costs Assessment, or	4
(c)	a costs assessor (including a costs assessor acting as a member of a review panel constituted under this Part).	5 6
93G	Costs of this Part	7
(1)	All costs related to the administration of this Part (other than the costs of the Costs Assessment Rules Committee as referred to in section 92) are to be paid out of money to be provided from a working account established for the Department of Justice by the Treasurer under section 13A of the <i>Public Finance and Audit Act 1983</i> for the purposes of this Part.	8 9 10 11 12
(2)	The following amounts received by the Manager, Costs Assessment are to be paid to the credit of that working account:	13 14
(a)	an application fee for an assessment,	15
(b)	an application fee for a review of an assessment,	16
(c)	a payment for the costs of a costs assessor,	17
(d)	a payment for the costs of the Manager, Costs Assessment,	18
(e)	a payment for the costs of a review of an assessment.	19
[28]	Section 95 Approved insurance policy	20
	Omit section 95 (2) (b).	21
[29]	Section 95 (3A) and (3B)	22
	Insert after section 95 (3):	23
(3A)	If any terms or conditions imposed by an order are not complied with by the insurer or provider that issued the policy:	24 25
(a)	the order may be amended to prohibit or restrict the future issue of policies by the insurer or provider or in any other manner the Attorney General considers appropriate in the circumstances, and	26 27 28
(b)	the Attorney General may take into account any failure to comply by the insurer or provider when deciding whether to approve future policies issued by that insurer or provider.	29 30 31
(3B)	Nothing in subsection (3A) limits any other power of the Attorney General.	32
[30]	Sections 97 and 100	33
	Omit the sections.	34
[31]	Part 10	35
	Omit the Part. Insert instead:	36
	Part 10 Rights of review	37
125	Right of review by NCAT about Australian practising certificates and Australian registration certificates	38 39
(1)	This section deals with a decision of a designated local regulatory authority about an Australian practising certificate or an Australian registration	40 41

	certificate where proceedings before NCAT as designated tribunal are contemplated by section 100 or 101 of the <i>Legal Profession Uniform Law (NSW)</i> .	1 2 3
	Note. NCAT is the designated tribunal for the purposes of sections 100 and 101 of the <i>Legal Profession Uniform Law (NSW)</i> in relation to decisions under section 89 or 92 of that Law. The Supreme Court is the designated tribunal for the purposes of sections 100 and 101 for other decisions. See the table to section 11 (3).	4 5 6 7
(2)	The applicant for or the holder of the Australian practising certificate or Australian registration certificate may apply to NCAT for an administrative review under the <i>Administrative Decisions Review Act 1997</i> .	8 9 10
126	Right of review by NCAT about certain determinations of local regulatory authority in consumer and disciplinary matters	11 12
(1)	This section deals with proceedings contemplated by section 314 (1) and (2) of the <i>Legal Profession Uniform Law (NSW)</i> in relation to a determination of a local regulatory authority relating to:	13 14 15
	(a) a compensation order for more than \$10,000 in a consumer matter, or	16
	(b) a disciplinary matter.	17
(2)	A respondent lawyer or a legal practitioner associate of a respondent law practice may apply to NCAT for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of a determination of the designated local regulatory authority under:	18 19 20 21
	(a) section 290 of the <i>Legal Profession Uniform Law (NSW)</i> , in relation to a compensation order for more than \$10,000, or	22 23
	(b) section 299 of the <i>Legal Profession Uniform Law (NSW)</i> .	24
127	Local regulations may provide rights of review	25
	The local regulations may provide that an application may be made to NCAT for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of a specified decision or class of decisions made by a specified person or body in the exercise of functions conferred or imposed by or under:	26 27 28 29
	(a) this Act or the local regulations, or	30
	(b) the <i>Legal Profession Uniform Law (NSW)</i> , or	31
	(c) the Uniform Rules as they apply in this jurisdiction.	32
[32]	Section 148	33
	Omit the section. Insert instead:	34
148	Definitions	35
	In this Part:	36
	disciplinary action against a lawyer means any of the following actions taken under a law of this or another jurisdiction, whether or not taken under Chapter 5 of the <i>Legal Profession Uniform Law (NSW)</i> or under provisions of a corresponding law that correspond to that Chapter:	37 38 39 40
	(a) the suspension or cancellation of the Australian practising certificate or Australian registration certificate of the lawyer (other than a suspension or cancellation at the request or with the concurrence of the holder of the certificate that is not connected with a disciplinary matter),	41 42 43 44
	(b) the refusal to grant or renew an Australian practising certificate or Australian registration certificate applied for by the lawyer (other than	45 46

	a refusal on the ground that the lawyer is not eligible to apply for the grant or renewal),	1 2
	(c) the removal of the name of the lawyer from a roll of Australian lawyers,	3
	(d) the making of an order by a court or tribunal, or by another person or body, for or following a finding of unsatisfactory professional conduct or professional misconduct by the lawyer, other than an order cautioning the person,	4 5 6 7
	(e) the reprimanding of the lawyer, or the making of a compensation order against the lawyer, by a person or body without a formal finding of unsatisfactory professional conduct or professional misconduct,	8 9 10
	(f) the appointment of a manager or receiver for a law practice of which the lawyer is a legal practitioner associate, where the associate is specified or referred to in the notice of appointment served on the law practice.	11 12 13
	<i>lawyer</i> , when used alone, has the same meaning as it has in Chapter 5 of the <i>Legal Profession Uniform Law (NSW)</i> (see section 261 of that Law).	14 15
[33]	Section 152 Register of Disciplinary Action	16
	Omit “Australian legal practitioners” from section 152 (1) wherever occurring.	17
	Insert instead “lawyers”.	18
[34]	Section 152 (1) (c)	19
	Omit “practitioner”. Insert instead “lawyer”.	20
[35]	Sections 153 (1) and 155 (1) (a)	21
	Omit “an Australian legal practitioner” wherever occurring. Insert instead “a lawyer”.	22
[36]	Sections 165A and 165B	23
	Insert after section 165:	24
165A	Proceedings for offences	25
	(1) Proceedings for:	26
	(a) an offence against this Act or the local regulations, or	27
	(b) an offence referred to in section 451 (1) of the <i>Legal Profession Uniform Law (NSW)</i> against that Law (except an offence against section 148 or 353 of that Law),	28 29 30
	are to be dealt with summarily before the Local Court.	31
	(2) Chapter 5 of the <i>Criminal Procedure Act 1986</i> (which relates to the summary disposal of certain indictable offences unless an election is made to proceed on indictment) applies to and in respect of an offence under section 148 (Deficiency in trust account) or section 353 (Improperly destroying property etc) of the <i>Legal Profession Uniform Law (NSW)</i> .	32 33 34 35 36
	(3) Proceedings for an offence may be brought at any time within 12 months after the date of the alleged offence.	37 38
165B	Conduct capable of constituting unsatisfactory professional conduct or professional misconduct	39 40
	(1) Without limitation, conduct of a lawyer involving contravention of the local regulations or the costs assessment rules is capable of constituting unsatisfactory professional conduct or professional misconduct, whether or	41 42 43

not the lawyer has been convicted of an offence in relation to the contravention.	1 2
(2) In this section, <i>lawyer</i> has the same meaning as it has in Chapter 5 of the <i>Legal Profession Uniform Law (NSW)</i> when used alone (see section 261 of that Law).	3 4 5
[37] Section 166 Local regulations	6
Omit section 166 (1). Insert instead:	7
(1) The Governor may make regulations (<i>local regulations</i>), not inconsistent with this Act or the <i>Legal Profession Uniform Law (NSW)</i> , for or with respect to any matter that by this Act or that Law is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act or that Law.	8 9 10 11 12
[38] Section 166 (2) (a) (ii)	13
Omit “Department of Attorney General and Justice”.	14
Insert instead “Department of Justice”.	15
[39] Section 166 (2) (d)	16
Insert at the end of section 166 (2) (c):	17
, and	18
(d) prohibiting, regulating or otherwise providing for the receiving or holding of money by or on behalf of a barrister, on account of legal costs for legal services, in advance of the provision by the barrister of the legal services.	19 20 21 22
[40] Section 166 (4)	23
Omit section 166 (4) and (5). Insert instead:	24
(4) The local regulations may make provision for or with respect to any matters for or with respect to which costs assessment rules may be made.	25 26
[41] Schedule 8 Mortgage practices and managed investment schemes—provisions relating to old mortgages	27 28
Omit the Schedule.	29
[42] Schedule 9 Savings, transitional and other provisions	30
Insert “or Schedule 4 to the <i>Legal Profession Uniform Law (NSW)</i> ” after “Schedule” in clause 1 (4).	31 32
[43] Schedule 9	33
Insert after Part 2:	34
Part 3 Provisions consequent on enactment of Legal Profession Uniform Law Application Legislation Amendment Act 2015	35 36 37
7 Definition	38
In this Part:	39
<i>repealed Act</i> means the <i>Legal Profession Act 2004</i> .	40

8 Working account for costs of Part 7	1
The working account referred to in section 400 of the repealed Act immediately before the commencement of this clause is taken to be the working account established for the Department of Justice, as referred to in section 93G of this Act.	2 3 4 5
9 Manager, Costs Assessment	6
The registrar of the Supreme Court who was Manager, Costs Assessment immediately before the commencement of this clause is taken to have been appointed as Manager, Costs Assessment on that commencement.	7 8 9
10 Mortgage practices and managed investment schemes—transitional arrangements	10 11
(1) Section 135 (2) of the repealed Act continues to apply to an incorporated legal practice (and to any related body corporate).	12 13
(2) Part 3.5 of, and Schedule 8 to, the repealed Act continue to apply in respect of mortgages that were entered into before the repeal of that Act and to matters connected with managed investment schemes as referred to in those provisions.	14 15 16 17
(3) Section 258 of the Legal Profession Uniform Law as set out in Schedule 1 to the <i>Legal Profession Uniform Law Application Act 2014</i> of Victoria does not apply as a law of this jurisdiction.	18 19 20
(4) Subclauses (1), (2) and (3) cease to have effect on 1 July 2018.	21
(5) A reference in Schedule 8 to the repealed Act to the Fidelity Fund is taken to be a reference to the fidelity fund within the meaning of the <i>Legal Profession Uniform Law (NSW)</i> .	22 23 24
(6) Without limiting any other provision of this Schedule, the local regulations may modify the operation of this clause.	25 26
[44] Schedule 10 Amendments	27
Omit Schedule 10.1.	28
Note. Schedule 10.1 contains an uncommenced amendment to the <i>Interpretation Act 1987</i> . See now Schedule 2.24 to this Act.	29 30

Schedule 2	Amendment of other legislation	1
2.1	Civil and Administrative Tribunal Act 2013 No 2	2
[1]	Section 60 Costs	3
	Omit section 60 (4) (b). Insert instead:	4
	(b) order costs to be assessed on the basis set out in the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>) or on any other basis.	5 6 7
[2]	Section 89 Protection of representatives, witnesses and staff members	8
	Omit “ <i>Legal Profession Act 2004</i> ” from the definition of <i>barrister</i> in section 89 (4).	9
	Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	10
[3]	Schedule 1 Savings, transitional and other provisions	11
	Insert at the end of the Schedule (with appropriate Part and clause numbering):	12
Part	Provision consequent on enactment of Legal Profession Uniform Law Application Legislation Amendment Act 2015	13 14 15
	References to Legal Profession Uniform Law (NSW)	16
	A reference in this Act (where relevant) to:	17
	(a) the <i>Legal Profession Uniform Law (NSW)</i> includes a reference to the <i>Legal Profession Act 2004</i> , and	18 19
	(b) a provision of the <i>Legal Profession Uniform Law (NSW)</i> includes a reference to the corresponding provision of the <i>Legal Profession Act 2004</i> .	20 21 22
[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)	23 24
	Omit “ <i>Legal Profession Act 2004</i> ” wherever occurring.	25
	Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	26
[5]	Schedule 5, clause 15	27
	Omit “Part 7.3 of the <i>Legal Profession Act 2004</i> ” from the definition of <i>Commissioner</i> .	28
	Insert instead “Division 2 of Part 3 of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	29 30
[6]	Schedule 5, clause 15	31
	Omit “Chapter 4 of the <i>Legal Profession Act 2004</i> ” from the definition of <i>complaint</i> .	32
	Insert instead “Chapter 5 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	33
[7]	Schedule 5, clause 15	34
	Insert in alphabetical order:	35
	<i>respondent lawyer</i> means the lawyer (within the meaning it has when used alone in Chapter 5 of the <i>Legal Profession Uniform Law (NSW)</i>) who is the subject of a complaint.	36 37 38

[8] Schedule 5, clause 18 (1) (c)	1
Omit “an Australian lawyer”. Insert instead “a respondent lawyer”.	2
[9] Schedule 5, clause 19	3
Omit “Chapter 4 of the <i>Legal Profession Act 2004</i> ”.	4
Insert instead “Chapter 5 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	5
[10] Schedule 5, clause 21	6
Omit clause 21 (1). Insert instead:	7
(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 <i>Legal Profession Uniform Law (NSW)</i> :	8
(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,	9
(b) in the case of a complaint—the respondent lawyer,	10
(c) in the case of a complaint against a barrister—the Council of the Bar Association,	11
(d) in the case of a complaint against a solicitor—the Council of the Law Society,	12
(e) in the case of a complaint where the respondent lawyer is neither a barrister nor a solicitor—either or both of the Councils,	13
(f) the Commissioner,	14
(g) the Attorney General.	15
[11] Schedule 5, clause 21 (2) (b)	16
Omit the paragraph. Insert instead:	17
(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 <i>Legal Profession Uniform Law (NSW)</i> ,	18
[12] Schedule 5, clause 21 (6)	19
Omit the subclause.	20
[13] Schedule 5, clause 22 (3) (a)	21
Omit “Part 4.8 of the <i>Legal Profession Act 2004</i> ”.	22
Insert instead “Part 11 of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	23
[14] Schedule 5, clause 23	24
Omit “an Australian legal practitioner” and “an Australian legal practitioner’s” wherever occurring.	25
Insert instead “a respondent lawyer” and “a respondent lawyer’s” respectively.	26
[15] Schedule 5, clause 23 (2) and (3)	27
Omit “the practitioner” wherever occurring. Insert instead “the lawyer”.	28

[16] Schedule 5, clause 23 (3)	1
Omit “ <i>Legal Profession Act 2004</i> ”.	2
Insert instead “ <i>Legal Profession Uniform Law Application Act 2014</i> ”.	3
[17] Schedule 5, clause 23 (5)	4
Omit “the Australian legal practitioner”. Insert instead “the respondent lawyer”.	5
[18] Schedule 5, clause 23 (6)	6
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ”.	7
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	8 9
[19] Schedule 5, clause 28	10
Omit “ <i>Legal Profession Act 2004</i> concerning an Australian lawyer or former Australian lawyer” from clause 28 (1) (d).	11 12
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> concerning a lawyer (within the meaning it has when used alone in Chapter 5 of that Law)”.	13 14
[20] Schedule 5, clause 29 (3) (a)	15
Omit “section 385 (2) of the <i>Legal Profession Act 2004</i> ”.	16
Insert instead “section 89 (2) of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	17
[21] Schedule 7 Examples of procedural rule-making powers	18
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ” from item 20.	19
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	20 21
2.2 Civil Liability Act 2002 No 22	22
[1] Section 26 Offer of structured settlement—legal costs	23
Omit “Section 340 of the <i>Legal Profession Act 2004</i> ” from section 26 (1).	24
Insert instead “Clause 5 of Schedule 1 to the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	25 26
[2] Section 26T Exception for legal costs	27
Omit “ <i>Legal Profession Act 1987</i> or the <i>Legal Profession Act 2004</i> ” from section 26T (3).	28
Insert instead “legal profession legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	29 30
[3] Section 26U Maximum legal costs of eligible claims	31
Omit section 26U (3) and (4). Insert instead:	32
(3) Schedule 1 (Maximum costs in personal injury damages matters) to the <i>Legal Profession Uniform Law Application Act 2014</i> 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.	33 34 35 36 37 38

2.3 Civil Procedure Act 2005 No 28	1
[1] Section 3 Definitions	2
Omit the definition of <i>ordinary basis</i> from section 3 (1). Insert instead:	3
<i>ordinary basis</i> , 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 <i>Legal Profession Uniform Law Application Act 2014</i> .	4 5 6 7
[2] Section 9 Uniform rules	8
Omit section 9 (5). Insert instead:	9
(5) This section does not give power to make rules with respect to:	10
(a) any matter relating to costs that is regulated by the legal profession legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>), or	11 12 13
(b) any matter for which Admission Rules may be made under the <i>Legal Profession Uniform Law (NSW)</i> .	14 15
[3] Section 99 Liability of legal practitioner for unnecessary costs	16
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 99 (3).	17
Insert instead “Part 7 of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	18
2.4 Commercial Arbitration Act 2010 No 61	19
[1] Section 24A Representation	20
Omit section 24A (2). Insert instead:	21
(2) A person who is not an Australian legal practitioner does not commit an offence under or breach the provisions of the <i>Legal Profession Uniform Law (NSW)</i> or any other Act or law merely by representing a party in arbitral proceedings in this State.	22 23 24 25
[2] Section 33B Costs	26
Omit “assessed in the Court having jurisdiction under section 34 to hear applications setting aside the award” from section 33B (5).	27 28
Insert instead “assessed in accordance with section 33C”.	29
[3] Section 33C	30
Omit the section. Insert instead:	31
33C Application of legal costs legislation	32
(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 <i>Legal Profession Uniform Law Application Act 2014</i>).	33 34 35
(2) The legal costs legislation applies accordingly with any necessary modifications. Part 7 of the <i>Legal Profession Uniform Law Application Act 2014</i> so applies as if the costs of the arbitration were ordered costs as defined in that Part.	36 37 38 39
Note. There is no equivalent to this section in the Model Law.	40

2.5 Consumer Claims Act 1998 No 162	1
Section 7 Jurisdiction in respect of consumer claims	2
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 7 (5).	3
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	4 5
2.6 Conveyancers Licensing Act 2003 No 3	6
[1] Sections 4 (4), 7 (1) and 27 (5)	7
Omit “Part 2.2 of the <i>Legal Profession Act 2004</i> ” wherever occurring.	8
Insert instead “Part 2.1 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	9
[2] Section 10 Disqualified persons	10
Omit “Division 3 of Part 2.2 of the <i>Legal Profession Act 2004</i> ” from section 10 (1) (p).	11
Insert instead “Division 1 of Part 3.9 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	12
2.7 Conveyancers Licensing Regulation 2006	13
[1] Clause 6 Professional indemnity insurance: section 15	14
Omit clause 6 (3). Insert instead:	15
(3) In this clause, <i>complying law practice</i> means a law practice within the meaning of the <i>Legal Profession Uniform Law (NSW)</i> that complies with the relevant requirements of Part 4.4 (Professional indemnity insurance) of that Law.	16 17 18 19
[2] Clause 7 Section 20 exemptions—person in charge at place of business	20
Insert at the end of clause 7 (1) (d) (iii):	21
and	22
(iv) the relevant provisions of the <i>Legal Profession Uniform Law (NSW)</i> or the <i>Legal Profession Uniform Law Application Act 2014</i> (or both), and the relevant provisions of the rules and regulations under them,	23 24 25 26
2.8 Conveyancing Act 1919 No 6	27
Sections 66P (1) and 66Z (1)	28
Omit “ <i>Legal Profession Act 2004</i> ” wherever occurring.	29
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	30
2.9 Crimes (Domestic and Personal Violence) Act 2007 No 80	31
Section 86 Rules in application proceedings	32
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 86 (3).	33
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	34 35

2.10 Criminal Assets Recovery Act 1990 No 23	1
[1] Section 10B Contents and effect of restraining orders	2
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 10B (3B).	3
Insert instead “Part 7 of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	4
[2] Section 16B Maximum legal expenses that can be met from restrained property	5
Omit “ <i>Legal Profession Act 2004</i> ” from section 16B (3).	6
Insert instead “ <i>Legal Profession Uniform Law Application Act 2014</i> ”.	7
2.11 Criminal Procedure Act 1986 No 209	8
[1] Sections 149F (5) and 247X (4)	9
Omit “legal profession rules made under Part 7.5 of the <i>Legal Profession Act 2004</i> ” wherever occurring.	10 11
Insert instead “Uniform Rules made under Part 9.2 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	12 13
[2] Section 257G Calculation of costs	14
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 257G (b).	15
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	16 17
[3] Schedule 1 Indictable offences triable summarily	18
Omit item 25 of Table 1. Insert instead:	19
25 Legal Profession Uniform Law (NSW)	20
An offence under section 148 (Deficiency in trust account) or section 353 (Improperly destroying property etc.) of the <i>Legal Profession Uniform Law (NSW)</i> .	21 22 23
2.12 Defamation Act 2005 No 77	24
[1] Schedule 1 Additional publications to which absolute privilege applies	25
Omit “Chapter 4 of the <i>Legal Profession Act 2004</i> ” wherever occurring in clause 18 (a) and (b).	26 27
Insert instead “Chapter 5 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	28
[2] Schedule 1, clause 18	29
Omit “Chapter 2 or Part 7.3 of the <i>Legal Profession Act 2004</i> ” from clause 18 (c)	30
Insert instead “Chapter 2 or 3 of the <i>Legal Profession Uniform Law (NSW)</i> or Division 2 of Part 3 of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	31 32
[3] Schedule 2 Additional kinds of public documents	33
Omit “Chapter 4 of the <i>Legal Profession Act 2004</i> ” from clause 2.	34
Insert instead “Chapter 5 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	35

[4] Schedule 3 Additional proceedings of public concern	1
Omit “Chapter 4 of the <i>Legal Profession Act 2004</i> ” from clause 8.	2
Insert instead “Chapter 5 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	3
2.13 District Court Act 1973 No 9	4
[1] Section 18B Composition of the Rule Committee	5
Omit “ <i>Legal Profession Act 2004</i> ” wherever occurring in section 18B (9).	6
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	7
[2] Sections 138 (2), 142 (2), 142F (2) and 161 (6)	8
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ” wherever occurring.	9
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	10 11
2.14 Dust Diseases Tribunal Act 1989 No 63	12
[1] Section 3 Definitions	13
Omit “ <i>Legal Profession Act 2004</i> ” wherever occurring in section 3 (1).	14
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	15
[2] Section 32H Regulations to promote claims resolution	16
Omit “or the <i>Legal Profession Act 2004</i> ” from section 32H (2) (h).	17
Insert instead “, the <i>Legal Profession Act 2004</i> or the legal profession legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	18 19
[3] Section 33 Rules	20
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 33 (6).	21
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	22 23
2.15 Duties Act 1997 No 123	24
Section 65 Exemptions from duty	25
Omit “ <i>Legal Profession Act 2004</i> ” wherever occurring in section 65 (5).	26
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	27
2.16 Electronic Transactions Act 2000 No 8	28
Schedule 1 Courts—electronic case management systems	29
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ” from clause 17.	30
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	31 32

2.17 Evidence Act 1995 No 25	1
[1] Section 117 Definitions	2
Omit the definition of <i>lawyer</i> from section 117 (1). Insert instead:	3
<i>lawyer</i> means an Australian lawyer, a foreign lawyer, or an employee or agent of either of them.	4 5
[2] Dictionary	6
Omit “ <i>Legal Profession Act 2004</i> ” wherever occurring in the definitions of <i>Australian lawyer</i> , <i>Australian legal practitioner</i> and <i>Australian practising certificate</i> in Part 1.	7 8
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	9
[3] Dictionary, Part 1	10
Omit the definitions of <i>Australian-registered foreign lawyer</i> and <i>overseas-registered foreign lawyer</i> .	11 12
[4] Dictionary, Part 1	13
Insert in alphabetical order:	14
<i>foreign lawyer</i> has the meaning it has in the <i>Legal Profession Uniform Law (NSW)</i> .	15 16
2.18 Evidence (Audio and Audio Visual Links) Act 1998 No 105	17
Section 11 Counsel entitled to practise	18
Omit section 11 (2).	19
2.19 Fair Trading Act 1987 No 68	20
Section 88A Relationship with certain provisions of other Acts	21
Omit “bill within the meaning of Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 88A (2).	22 23
Insert instead “bill of costs referred to in Part 4.3 of the <i>Legal Profession Uniform Law (NSW)</i> (see section 187 of that Law)”.	24 25
2.20 Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86	26 27
Schedule 1 Modification of Health Practitioner Regulation National Law	28
Omit “ <i>Legal Profession Act 2004</i> ” from Schedule 1 [13].	29
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	30
2.21 Independent Commission Against Corruption Act 1988 No 35	31
Section 109 Protection from liability	32
Omit “ <i>Legal Profession Act 2004</i> ” from section 109 (3).	33
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	34

2.22 Industrial Relations Act 1996 No 17	1
Section 181 Costs	2
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 181 (1) (d).	3
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	4 5
2.23 Insurance Act 1902 No 49	6
Section 21 Exemption	7
Omit “or section 406 of the <i>Legal Profession Act 2004</i> ” from section 21 (2) (c).	8
Insert instead “, Part 4.4 of the <i>Legal Profession Uniform Law (NSW)</i> or Part 8 of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	9 10
2.24 Interpretation Act 1987 No 15	11
Section 21 Meanings of commonly used words and expressions	12
Omit the definitions of <i>Australian lawyer</i> and <i>Australian legal practitioner</i> from section 21 (1).	13 14
Insert instead:	15
<i>Australian lawyer</i> means a person admitted to the Australian legal profession.	16
<i>Australian legal practitioner</i> means an Australian lawyer who holds a current Australian practising certificate.	17 18
2.25 Land and Environment Court Act 1979 No 204	19
Section 74 Rules	20
Omit section 74 (6). Insert instead:	21
(6) This section does not give power to make rules with respect to:	22
(a) any matter relating to costs that is regulated by the legal profession legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>), or	23 24 25
(b) any matter for which Admission Rules may be made under the <i>Legal Profession Uniform Law (NSW)</i> .	26 27
2.26 Law and Justice Foundation Act 2000 No 97	28
Section 3 Definitions	29
Omit the definition of <i>Public Purpose Fund</i> . Insert instead:	30
<i>Public Purpose Fund</i> means the fund maintained under section 48 of the <i>Legal Profession Uniform Law Application Act 2014</i> .	31 32
2.27 Law Enforcement (Powers and Responsibilities) Act 2002 No 103	33
Schedule 2 Search warrants under other Acts	34
Omit “ <i>Legal Profession Act 2004</i> ”.	35
Insert instead “Legal profession legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	36 37

2.28 Legal Aid Commission Act 1979 No 78	1
[1] Section 4 Definitions	2
Omit the definition of <i>practising certificate</i> from section 4 (1).	3
[2] Sections 23A, 24, 28 and 64A	4
Omit “practising certificate” wherever occurring.	5
Insert instead “Australian practising certificate”.	6
[3] Section 25 Solicitor-client relationship	7
Omit “ <i>Legal Profession Act 2004</i> ” from section 25 (4) (c).	8
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	9
[4] Section 52B Audits	10
Omit “Chapter 4 of the <i>Legal Profession Act 2004</i> ” from section 52B (9).	11
Insert instead “Chapter 5 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	12
[5] Section 63 Payments into Fund	13
Omit “Division 7 of Part 3.1 of the <i>Legal Profession Act 2004</i> ” from section 63 (1) (a).	14
Insert instead “section 48 of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	15
[6] Section 64A Trust account	16
Omit “Part 3.1 of the <i>Legal Profession Act 2004</i> ” from section 64A (4).	17
Insert instead “Part 4.2 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	18
2.29 Local Court Act 2007 No 93	19
[1] Section 25 Local Court Rule Committee	20
Omit “admitted to the legal profession under the <i>Legal Profession Act 2004</i> ” from section 25 (4) (c).	21
Insert instead “who is an Australian lawyer”.	22
[2] Sections 42 (2) and 69 (2)	23
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ” wherever occurring.	24
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	25
[3] Section 71 Rules in application proceedings	26
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 71 (3).	27
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	28

2.30 Motor Accidents Compensation Act 1999 No 41	1
[1] Section 94A Claims assessor may assess costs	2
Omit “matters set out in section 363 of the <i>Legal Profession Act 2004</i> ” from section 94A (3) (d).	3 4
Insert instead “principles and matters referred to in section 200 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	5 6
[2] Section 94A (4)	7
Omit “section 384 or 385 of the <i>Legal Profession Act 2004</i> if the assessment were a determination made by a costs assessor under Part 3.2 of that Act”.	8 9
Insert instead “section 89 of the <i>Legal Profession Uniform Law Application Act 2014</i> if the assessment were a decision of a costs assessor under Part 7 of that Act”.	10 11
[3] Section 121 Regulation of advertising and other marketing of services	12
Omit “ <i>Legal Profession Act 2014</i> ” from section 121 (2).	13
Insert instead “ <i>Legal Profession Uniform Law Application Act 2014</i> ”.	14
[4] Section 147 Definitions	15
Omit section 147 (2) and the note at the end of the section.	16
Insert instead:	17
(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 <i>Legal Profession Uniform Law Application Act 2014</i>).	18 19 20 21
Note. Under the <i>Legal Profession Uniform Law (NSW)</i> , 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.	22 23 24
[5] Section 149 Regulations fixing maximum costs recoverable by Australian legal practitioners	25 26
Omit section 149 (4). Insert instead:	27
(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 <i>Legal Profession Uniform Law Application Act 2014</i>). 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.	28 29 30 31 32 33
[6] Section 153 Other matters relating to costs	34
Omit “ <i>Legal Profession Act 2004</i> ” from section 153 (3).	35
Insert instead “ <i>Legal Profession Uniform Law Application Act 2014</i> ”.	36
2.31 Motor Accidents (Lifetime Care and Support) Act 2006 No 16	37
[1] Section 18 No legal costs payable by Authority	38
Omit “ <i>Legal Profession Act 2004</i> ” from section 18 (2).	39
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	40

[2] Section 21 Legal costs	1
Omit section 21 (6). Insert instead:	2
(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 <i>Legal Profession Uniform Law Application Act 2014</i>). 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 4 5 6 7 8
[3] Section 21 (7)	9
Omit “ <i>Legal Profession Act 2004</i> ”. Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	10
[4] Section 29 No legal costs payable for assessment or review	11
Omit “ <i>Legal Profession Act 2004</i> ” from section 29 (2).	12
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	13
2.32 Ombudsman Act 1974 No 68	14
Schedule 1 Excluded conduct of public authorities	15
Omit “Chapter 4 or 6 of the <i>Legal Profession Act 2004</i> ” from item 26.	16
Insert instead “Chapter 5 or 7 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	17
2.33 Police Integrity Commission Act 1996 No 28	18
[1] Section 65 Legal Profession Act 2004	19
Omit the section.	20
[2] Section 137 Protection from liability	21
Omit “ <i>Legal Profession Act 2004</i> ” from section 137 (6).	22
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	23
2.34 Powers of Attorney Act 2003 No 53	24
[1] Section 25 Recognition of enduring powers of attorney made in other States and Territories	25 26
Omit “a qualified interstate legal practitioner” from section 25 (4).	27
Insert instead “an Australian legal practitioner”.	28
[2] Section 25 (5)	29
Omit the definition of <i>qualified interstate legal practitioner</i> .	30
2.35 Public Defenders Act 1995 No 28	31
Section 3 Definitions	32
Omit “community legal centre within the meaning of section 48H of the <i>Legal Profession Act 1987</i> ” from the definition of <i>community legal centre</i> .	33 34
Insert instead “community legal service within the meaning of the <i>Legal Profession Uniform Law (NSW)</i> ”.	35 36

2.36 Public Finance and Audit Act 1983 No 152	1
Schedule 2 Statutory bodies	2
Omit “ <i>Legal Profession Act 2004</i> ”.	3
Insert instead “ <i>Legal Profession Uniform Law Application Act 2014</i> ”.	4
2.37 Real Property Act 1900 No 25	5
Section 133 Subrogation of rights to claim compensation	6
Omit “ <i>Legal Profession Act 2004</i> ” from section 133 (5).	7
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	8
2.38 Retirement Villages Act 1999 No 81	9
[1] Section 4 Definitions	10
Omit the definition of <i>legal practitioner</i> from section 4 (1).	11
[2] Section 23 Deposits to be kept in trust	12
Omit “a legal practitioner’s” from section 23 (3) (a).	13
Insert instead “an Australian legal practitioner’s”.	14
[3] Sections 28 (2) and (3), 29 (2) (a), 191 (1) (b) and 192 (3) (b)	15
Omit “a legal practitioner” wherever occurring.	16
Insert instead “an Australian legal practitioner”.	17
[4] Section 28 (3)	18
Omit “that legal practitioner”. Insert instead “that Australian legal practitioner”.	19
[5] Sections 29 (2) (b) (i) and 30 (1)	20
Omit “the legal practitioner” wherever occurring.	21
Insert instead “the Australian legal practitioner”.	22
2.39 Strata Schemes Management Act 1996 No 138	23
Section 230A Disclosure of matters relating to legal costs	24
Omit “Division 3 of Part 3.2 of the <i>Legal Profession Act 2004</i> ”.	25
Insert instead “Division 3 of Part 4.3 of the <i>Legal Profession Uniform Law (NSW)</i> ”.	26
2.40 Succession Act 2006 No 80	27
[1] Section 98 Mediation, orders with consent and costs	28
Omit “ <i>Legal Profession Act 2004</i> ” from section 98 (5).	29
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	30

[2] Section 99 Costs	1
Omit section 99 (3). Insert instead:	2
(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 <i>Legal Profession Uniform Law Application Act 2014</i>). 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 4 5 6 7 8
[3] Section 99 (4)	9
Omit “ <i>Legal Profession Act 2004</i> ”. Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	10
2.41 Supreme Court Act 1970 No 52	11
[1] Section 48 Assignment to the Court of Appeal	12
Omit “ <i>Legal Profession Act 2004</i> ” from subparagraph (viii) of the definition of <i>specified tribunal</i> in section 48 (1) (a).	13 14
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	15
[2] Section 123 Rule Committee	16
Omit “ <i>Legal Profession Act 2004</i> ” wherever occurring in section 123 (2A).	17
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	18
[3] Section 124 Rule-making power	19
Omit section 124 (9). Insert instead:	20
(9) This section does not give power to make rules with respect to any matter for which Admission Rules may be made under the <i>Legal Profession Uniform Law (NSW)</i> .	21 22 23
[4] Section 124 (10)	24
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ”.	25
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	26 27
2.42 Taxation Administration Act 1996 No 97	28
Section 82 Permitted disclosures—to particular persons	29
Omit section 82 (k) (viii). Insert instead:	30
(viii) the Legal Services Commissioner, a member of the Law Society Council, an external examiner appointed under section 155 of the <i>Legal Profession Uniform Law (NSW)</i> or an external investigator appointed under section 162 of that Law,	31 32 33 34
2.43 Unclaimed Money Act 1995 No 75	35
[1] Sections 12 (1A) (a) and 32 (4) (a)	36
Omit “section 266 of the <i>Legal Profession Act 2004</i> ” wherever occurring.	37
Insert instead “section 14 of <i>Legal Profession Uniform Law Application Act 2014</i> ”.	38

[2] Section 32 Chief Commissioner may process unclaimed money claims under other Acts	1
Omit “ <i>Legal Profession Act 2004</i> ” from section 32 (3).	2
Insert instead “ <i>Legal Profession Uniform Law Application Act 2014</i> ”.	3
	4
2.44 Uniform Civil Procedure Rules 2005	5
[1] Rule 1.3 References to barristers and solicitors	6
Omit “ <i>Legal Profession Act 2004</i> ” from the note to rule 1.3 (1).	7
Insert instead “ <i>Legal Profession Uniform Law (NSW)</i> ”.	8
[2] Rule 4.2 Documents to be filed to contain certain information	9
Omit “section 347 (Restrictions on commencing proceedings without reasonable prospects of success) of the <i>Legal Profession Act 2004</i> ” from rule 4.2 (3A).	10
Insert instead “clause 4 (Restrictions on commencing proceedings without reasonable prospects of success) of Schedule 2 to the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	11
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[3] Rule 6.12 Relief claimed	15
Omit “section 329 (1) (c) of the <i>Legal Profession Act 2004</i> ” wherever occurring in rule 6.12 (3) and (4).	16
Insert instead “section 59 (1) (d) of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	17
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[4] Rule 6.17 Payment towards liquidated claim stays proceedings on claim	20
Omit “ <i>Legal Profession Act 2004</i> ” from rule 6.17 (2) (b).	21
Insert instead “ <i>Legal Profession Uniform Law Application Act 2014</i> ”.	22
[5] Rules 16.4 (3) (e) (i), 16.5 (2) (d) (i), 16.6 (2) (e) (i) and 16.7 (2) (c) (i)	23
Omit “section 329 of the <i>Legal Profession Act 2004</i> ” wherever occurring.	24
Insert instead “section 59 of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	25
[6] Rule 36.10 Filing of cost assessors’ certificates	26
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ” from the note to rule 36.10.	27
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	28
	29
[7] Rule 39.3 Affidavit in support of application for writ of execution	30
Omit “section 329 (1) (c) of the <i>Legal Profession Act 2004</i> ” from the note to rule 39.3 (2).	31
Insert instead “section 59 (1) (d) of the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	32
	33
[8] Rule 39.3 (4) (c) (i) and (ii)	34
Omit the subparagraphs. Insert instead:	35
(i) is not subject to any suspension under section 86 of the <i>Legal Profession Uniform Law Application Act 2014</i> that has not been ended under that section, and	36
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(ii)	is not subject to any suspension under section 90 of the <i>Legal Profession Uniform Law Application Act 2014</i> that has not been ended under that section.	1 2 3
[9]	Rule 39.35 Affidavit in support of application for garnishee order	4
	Omit rule 39.35 (2) (c) (i) and (ii). Insert instead:	5
(i)	is not subject to any suspension under section 86 of the <i>Legal Profession Uniform Law Application Act 2014</i> that has not been ended under that section, and	6 7 8
(ii)	is not subject to any suspension under section 90 of the <i>Legal Profession Uniform Law Application Act 2014</i> that has not been ended under that section.	9 10 11
[10]	Rule 39.45 Affidavit in support of application for charging order	12
	Omit rule 39.45 (2) (b) (i) and (ii). Insert instead:	13
(i)	is not subject to any suspension under section 86 of the <i>Legal Profession Uniform Law Application Act 2014</i> that has not been ended under that section, and	14 15 16
(ii)	is not subject to any suspension under section 90 of the <i>Legal Profession Uniform Law Application Act 2014</i> that has not been ended under that section, and	17 18 19
[11]	Schedule 11 Provisions regarding procedure in certain lists in the District Court	20
	Omit clause 46 (3) (d). Insert instead:	21
(d)	the legal profession legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>).	22 23
[12]	Dictionary	24
	Omit the definition of <i>costs assessor's certificate</i> and the note to that definition.	25
	Insert instead:	26
	<i>costs assessor's certificate</i> means a certificate issued under Part 7 of the <i>Legal Profession Uniform Law Application Act 2014</i> .	27 28
[13]	Dictionary, definition of "unrestricted practising certificate"	29
	Omit the definition. Insert instead:	30
	<i>unrestricted practising certificate</i> 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.	31 32 33 34
2.45	Workers Compensation Regulation 2010	35
[1]	Part 16	36
	Omit "legal services and" from the heading.	37
[2]	Part 16, Division 1, note	38
	Omit " <i>Lawyer</i> means a legal practitioner and, as provided below, includes solicitor corporations and incorporated legal practices."	39 40

[3] Clause 78 Definitions	1
Omit the definition of <i>lawyer</i> .	2
[4] Part 16, Divisions 2 and 3, headings	3
Omit “ lawyers and ” wherever occurring.	4
[5] Clause 79 Restrictions on advertising work injury services	5
Omit “A lawyer or agent”. Insert instead “An agent”.	6
[6] Clauses 79, 81 (1), 83, 84 (1), 86 and 90 (1)	7
Omit “a lawyer or agent” wherever occurring. Insert instead “an agent”.	8
[7] Clauses 79 and 84 (1) (a) and (b)	9
Omit “legal services or” wherever occurring.	10
[8] Clause 79, note	11
Omit the note.	12
[9] Clauses 80, 82 (d) and (e), 85, 89, 91 (b) and 93	13
Omit the provisions.	14
[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”)	15 16 17
Omit “the lawyer or” wherever occurring. Insert instead “the”.	18
[11] Clauses 81 (2) and 90 (2) (definition of “specialty”)	19
Omit the definition wherever occurring.	20
[12] Clause 83 Responsibility for employees and others	21
Omit “lawyer’s or”.	22
[13] Clause 88 Restrictions on work injury advertisements	23
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).	24 25
Insert instead “use of an agent (whether or not a particular agent) to provide agent services”.	26
[14] Clause 88 (2)	27
Omit “lawyers or agents for the provision of legal services or agent services”.	28
Insert instead “agents for the provision of agent services”.	29
[15] Clause 90 (1) (c)	30
Omit “or legal”.	31

2.46 Workplace Injury Management and Workers Compensation Act 1998	1
No 86	2
[1] Section 112 Costs	3
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 112 (2) (c).	4
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	5 6
[2] Sections 113 (4), 114 (3), 142 (2), 337 (2) and 339 (2)	7
Omit “ <i>Legal Profession Act 2004</i> ” wherever occurring.	8
Insert instead “ <i>Legal Profession Uniform Law Application Act 2014</i> ”.	9
[3] Section 113 (5)	10
Omit the subsection. Insert instead:	11
(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 <i>Legal Profession Uniform Law Application Act 2014</i>). 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.	12 13 14 15 16 17
[4] Sections 113 (6) and 116 (4)	18
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ” wherever occurring.	19
Insert instead “the legal costs legislation”.	20
[5] Section 116 Solicitor/client costs in compensation proceedings	21
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 116 (3).	22
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	23 24
[6] Sections 327 (8) and note and 352 (7A) and note	25
Omit “Section 345 of the <i>Legal Profession Act 2004</i> ” wherever occurring.	26
Insert instead “Clause 2 of Schedule 2 to the <i>Legal Profession Uniform Law Application Act 2014</i> ”.	27 28
[7] Sections 327 (8) and 352 (7A)	29
Omit “that section” wherever occurring. Insert instead “that clause”.	30
[8] Section 332 Definitions	31
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 332 (2).	32
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	33 34
[9] Section 332, note	35
Omit the note.	36

[10] Section 334 Part prevails over legal costs legislation	1
Omit “ <i>Legal Profession Act 2004</i> or the regulations under that Act”.	2
Insert instead “legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	3 4
[11] Section 335 Assessment of costs	5
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ”.	6
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	7 8
[12] Section 347 Regulations for costs assessment	9
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ” from section 347 (2).	10
Insert instead “the legal costs legislation (as defined in section 3A of the <i>Legal Profession Uniform Law Application Act 2014</i>)”.	11 12
[13] Section 347 (3)	13
Omit “Division 11 of Part 3.2 of the <i>Legal Profession Act 2004</i> ”.	14
Insert instead “the legal costs legislation”.	15
[14] Section 347 (5)	16
Omit “Part 3.2 of the <i>Legal Profession Act 2004</i> ”.	17
Insert instead “the legal costs legislation”.	18
[15] Section 347 (5)	19
Omit “Division 11 of that Part”. Insert instead “the legal costs legislation”.	20