

LEGAL PROFESSION AMENDMENT (COST ASSESSMENT) BILL

Schedule of the amendments referred to in the Legislative Council's Message of 29 June 1998.

No. 1 Page 3, Schedule 1. Insert after line 10:

[3] Section 175A

Insert after section 175:

175A Obligation to disclose that costs in motor vehicle accident matters are regulated

- (1) A barrister or solicitor who is retained on behalf of a client in a motor vehicle accident matter must, if there is a regulation in force under section 196 (1) (a1), disclose to the client in accordance with this Division:
 - (a) that the regulation fixes the fair and reasonable costs for legal services provided in a motor vehicle accident matter, and
 - (b) that, in the absence of a conditional costs agreement with the client, the barrister or solicitor is not entitled to be paid or recover for a legal service an amount that exceeds the fair and reasonable cost fixed for the service by the regulation.
- (2) The disclosure must be made before the barrister or solicitor enters into any conditional costs agreement with the client.

No. 2 Page 3, Schedule 1. Insert after line 14:

[4] Section 196 (3) and (4)

Insert after section 196 (2):

- (3) Subsection (2) does not apply in respect of any costs payable to a barrister or solicitor under a costs agreement with a client that relates to legal services provided in a motor vehicle accident matter if:
 - (a) before entering into the costs agreement, the barrister or solicitor made the disclosure required to be made under section 175A, and
 - (b) the costs agreement complies with Division 3.
- (4) Before a regulation is made under subsection (1) (a1), the Attorney General is required to ensure that:

- (a) a copy of the proposed regulation is forwarded to the Law and Justice Standing Committee of the Legislative Council, and
- (b) the Committee is given a reasonable opportunity to review the proposed regulation.

No. 3 Page 11, Schedule 1 [13], line 24. Omit all words on that line. Insert instead:

Insert after section 208O (2):

- (3) An assessment of costs fixed by regulation under section 196 (1) (a1) is to be made in accordance with that regulation, unless:
 - (a) the disputed costs are the subject of a costs agreement that complies with Division 3, and
 - (b) before entering into that costs agreement, the barrister or solicitor made the disclosure required to be made under section 175A.
-