



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

655



PERTH, FRIDAY, 27 FEBRUARY 2009 No. 32 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 4.00 PM

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Legal Profession Act 2008

Legal Profession Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Legal Profession Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — immediately after the coming into operation of the *Legal Profession Regulations 2009*.

3. Regulations amended

These regulations amend the *Legal Profession Regulations 2009*.

4. Regulation 121 amended

In regulation 121 delete the definition of *costs agreement (old form)*.

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5. Regulation 122 replaced

Delete regulation 122 and insert:

122. Costs disclosure

- (1) Except as provided in subregulation (4), a law practice is not required to make a disclosure under section 260 or 261 of the 2008 Act in relation to a matter for which the law practice is retained during the relevant period.
- (2) Except as provided in subregulation (4), a law practice is not required to make a disclosure under section 264 of the 2008 Act in relation to a settlement that is executed during the relevant period.
- (3) Section 268 of the 2008 Act does not apply in relation to legal costs that are not required to be disclosed by reason of subregulation (1) or (2).
- (4) A law practice must make the costs disclosures required to be made to a client or associated third party payer for the client under Part 10 Division 3 of the 2008 Act if the law practice and the client make a costs agreement under Part 10 Division 6 of the 2008 Act in relation to those costs during the relevant period.

123A. Costs agreements

- (1) Despite Part 10 of the 2008 Act and the repeal of Part 13 Division 2 of the 2003 Act, a law practice to which Part 10 of the 2008 Act applies may, during the relevant period, make a costs agreement under section 221 of the 2003 Act as if that section had not been repealed.

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- (2) If a costs agreement is made as referred to in subregulation (1) between a client and a law practice during the relevant period —
- (a) Part 13 Division 2 of the 2003 Act applies to and in relation to the agreement as if that Division had not been repealed; and
 - (b) Part 13 Division 3 of the 2003 Act applies to and in relation to the taxation and recovery of the legal costs the subject of the agreement as if that Division had not been repealed; and
 - (c) section 273 of the 2008 Act does not apply to legal costs the subject of the agreement; and
 - (d) Part 10 Division 6 of the 2008 Act does not apply to the agreement or the law practice in relation to the client for the matter the subject of the agreement; and
 - (e) Part 10 Division 7 of the 2008 Act does not apply to bills for legal costs the subject of the agreement or the recovery of those legal costs; and
 - (f) Part 10 Division 8 of 2008 Act does not apply to the assessment of legal costs the subject of the agreement.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.