

Friday, 27 February 2009

IMPORTANT NOTICE
From the Legal Practice Board and the Law Society of Western Australia

Legal Profession Regulations 2009 (Regulations)
Costs disclosure, costs agreements, billing and assessment

This Notice updates the information previously provided by the Law Society and the Legal Practice Board in relation to the transitional provisions in the Regulations.

As a result of a review of the Regulations by the Law Society and the Legal Practice Board urgent representation was made to the Solicitor General on Thursday 26 February 2009 in relation to the effect of the transitional provisions relating to costs (regulations 121 and 122) and to seek amendment.

The Solicitor General has this afternoon advised that:

- amendments to the Regulations were made this afternoon by the Governor at a specially convened Executive Council meeting and that the Amendment Regulations will be published in a special issue of the Government Gazette later today;
- The amendments will come into effect immediately after the principal Regulations come into operation;
- The effect of the amendments is that law practices will not be required to implement the costs disclosure provisions in Part 10 of the *Legal Profession Act 2008* prior to 1 July 2009, except where that law practice enters into a costs agreement under Part 10 Division 6 of the 2008 Act;
- It should be noted that section 269 relating to progress reports will apply from 1 March;
- It should also be noted that the billing and costs assessment provisions in Part 10 of the 2008 Act will apply in relation to matters on which first instructions are received by a law practice after 1 March and in respect of which a 2003 costs agreement has not been made.

The Law Society and Legal Practice Board acknowledge and thank the Attorney General, Solicitor General and Parliamentary Counsel for their assistance in this matter.