



THE LAW SOCIETY  
OF NEW SOUTH WALES

Our ref: LLP:PWeh1262691

5 April 2017

The Hon Mark Speakman, SC MP  
Attorney General  
GPO Box 5341  
Sydney NSW 2001

Dear Attorney General,

**Fixed Costs: Legal Profession Uniform Law Application Regulation 2015**

I am writing in relation to the schedules providing for fixed costs under the *Legal Profession Uniform Law Application Regulation 2015* (NSW) ('the Regulation').

Scales of legal costs which may be fixed by regulation are provided for by the categories of services set out in s 59(1) of the *Legal Profession Uniform Law Application Act 2014* (NSW). Schedule 1 of the Regulation fixes costs for recovery of certain debts and enforcement of certain judgments and Schedule 2 fixes costs for legal services in workers compensation matters. There is no mechanism to revise these scales on a regular basis.

The preceding Regulation (*Legal Profession Regulation 2005* (NSW)) did not have a mechanism for revising costs scales on a regular basis either. The scales were only revised sporadically, usually after requests were made by the Law Society. Accordingly, the Law Society has been concerned about this matter for some time.

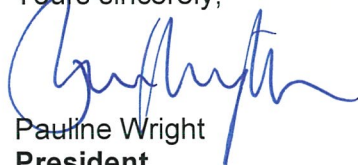
Since the current scales of costs were introduced with the commencement of the Regulation on 1 July 2015, they have not been adjusted for CPI or otherwise.

It is the Law Society's view that the costs scales in Schedules 1 and 2 of the Regulation do not reflect the true value of the services provided to the client and that there is a need to ensure that the costs are revised on an annual basis and linked to the CPI in the same way that court fees and charges under the *Civil Procedure Regulation 2015* (NSW) are revised. Increases to those fees have been consistent with the Australian Bureau of Statistics all groups CPI seasonally adjusted rate and such increases are introduced each July.

The Law Society also suggests that where costs have not been updated for some time, the subsequent update should be backdated.

Please do not hesitate to contact me on (02) 9926 0216 or the Chief Executive Officer, Michael Tidball, on (02) 9926 0215 if you would like to discuss this matter further.

Yours sincerely,



Pauline Wright  
**President**

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