

5. STANDARD OF CONDUCT - DISHONEST OR DISREPUTABLE CONDUCT

- 5.1 A legal practitioner must not engage in conduct, in the course of legal practice or otherwise, which:
- 5.1.1 demonstrates that the practitioner is not a fit and proper person to practise law; or
 - 5.1.2 is likely, to a material degree to:
 - 5.1.2.1 be prejudicial to, or diminish the public confidence in, the administration of justice; or
 - 5.1.2.2 bring the profession into disrepute.

6. UNDERTAKINGS IN THE COURSE OF LEGAL PRACTICE

- 6.1 A legal practitioner who has given an undertaking in the course of legal practice must honour that undertaking and ensure the timely and effective performance of the undertaking, unless released by the recipient or by a court of competent jurisdiction.
- 6.2 A legal practitioner must not seek from another practitioner, or that practitioner's employee, associate, or agent, undertakings in respect of a matter, that would require the co-operation of a third party who is not party to the undertaking.

RELATIONS WITH CLIENTS

7. COMMUNICATION OF ADVICE

- 7.1 A legal practitioner must provide clear and timely advice to assist a client to understand relevant legal issues and to make informed choices about action to be taken during the course of a matter, consistent with the terms of the engagement.
- 7.2 A legal practitioner must inform the client or the instructing practitioner about the alternatives to fully contested adjudication of the case which are reasonably available to the client, unless the practitioner believes on reasonable grounds that the client already has such an understanding of those alternatives as to permit the client to make decisions about the client's best interests in relation to the matter.

8. CLIENT INSTRUCTIONS

- 8.1 A legal practitioner must follow a client's lawful, proper and competent instructions.

9. CONFIDENTIALITY

- 9.1 A legal practitioner must not disclose any information which is confidential to a client and acquired by the practitioner during the client's engagement to any person who is not:
- 9.1.1 a practitioner who is a partner, principal, director, or employee of the practitioner's law practice; or
 - 9.1.2 a barrister or an employee of, or person otherwise engaged by, the practitioner's law practice or by an associated entity for the purposes of delivering or administering legal services in relation to the client,

EXCEPT as permitted in Rule 9.2.

- 9.2 A legal practitioner may disclose information which is confidential to a client if:

- 9.2.1 the client expressly or impliedly authorises disclosure;
- 9.2.2 the practitioner is permitted or is compelled by law to disclose;
- 9.2.3 the practitioner discloses the information in a confidential setting, for the sole purpose of obtaining advice in connection with the practitioner's legal or ethical obligations;
- 9.2.4 the practitioner discloses the information for the sole purpose of avoiding the probable commission of a serious criminal offence;
- 9.2.5 the practitioner discloses the information for the purpose of preventing imminent serious physical harm to the client or to another person; or
- 9.2.6 the information is disclosed to the insurer of the practitioner, law practice or associated entity.

10. CONFLICTS CONCERNING FORMER CLIENTS

- 10.1 A legal practitioner and law practice must avoid conflicts between the duties owed to current and former clients.
- 10.2 A legal practitioner or law practice who or which is in possession of information which is confidential to a former client where that information might reasonably be concluded to be material to the matter of another client and detrimental to the interests of the former client if disclosed, must not act for the current client in that matter UNLESS:
 - 10.2.1 the former client has given informed consent to the disclosure and use of that information; or
 - 10.2.2 an effective information barrier has been established.

11. CONFLICT OF DUTIES CONCERNING CURRENT CLIENTS

- 11.1 A legal practitioner and a law practice must avoid conflicts between the duties owed to two or more current clients.

Duty of loyalty

- 11.2 If a legal practitioner or a law practice seeks to act for two or more clients in the same or related matters where the clients' interests are adverse and there is a conflict or potential conflict of the duties to act in the best interests of each client, the practitioner or law practice must not act, except where permitted by Rules 11.3 and 11.4.
- 11.3 Where a legal practitioner or law practice seeks to act in the circumstances specified in Rule 11.2, the practitioner or law practice may, subject always to each practitioner discharging their duty to act in the best interests of their client, only act if each client:
 - 11.3.1 is aware that the practitioner or law practice is also acting for another client; and
 - 11.3.2 has given informed consent to the practitioner or law practice so acting.

Duty of confidentiality

- 11.4 In addition to Rule 11.3, where a legal practitioner or a law practice acts for two or more clients in the same or related matters and the practitioner or law practice is in, or comes into, possession of information which is confidential to one client (the first client) which might reasonably be concluded to be material to the other client's or clients' matter and detrimental to the interests of the first client if disclosed, the practitioner and the practitioner's law practice