

Notification of Rights

LEGAL PROFESSION UNIFORM LAW (WESTERN AUSTRALIA) ("UNIFORM LAW")

Your rights in relation to legal costs

The following avenues are available to you if you are not happy with this bill:

1. Discuss your concerns with us. Paul Holmes is designated as responsible principal for this bill.
2. Request an itemised bill. You must do this within 30 days from the date which the legal costs become payable. We will provide an itemised bill at no charge. However, if you request an itemised bill and the total amount specified in the itemised bill exceeds the amount previously specified in the lump sum bill for the same matter, then we may be able to recover the higher costs should the matter proceed to a costs assessment under section 198 or a binding determination under section 292 of the Uniform Law.
3. Make a complaint to the Legal Practice Board of WA (LPBWA) in relation to a costs dispute under Division 1 of Part 5.2 of the Uniform Law OR, alternatively have our costs assessed before the Supreme Court of Western Australia under Division 7 of Chapter 4.3 of the Uniform Law. The parameters for taking such steps are as follows:
 - (i) In relation to a costs dispute before the LPBWA - you must make the application within 60 days after the legal costs have become payable or where you have asked for an itemised bill, within 30 days after the itemised bill was provided. The LPBWA may waive the time limits specified above if the complaint is made within 4 months after the required period. This is in circumstances where the delay and reasons for the delay make it just and fair to do so, provided we have not commenced legal proceedings in respect of the legal costs. There is a monetary limitation of less than \$100,000 (indexed) for the total bill for legal costs in dispute OR, where the amount is \$100,000 or more, the amount of the legal costs in dispute is less than \$10,000 (indexed).
 - (ii) In relation to a costs assessment before the Supreme Court of Western Australia - you must make the application within 12 months of when the bill was given or a request for payment was made, or where there was no bill or request made, when the legal costs were paid. An application can be made outside of 12 months in certain circumstances where the delay and reasons for the delay make it just and fair to do so. There is no monetary limitation on the amount of the legal costs in relation to a costs assessment before the Supreme Court of Western Australia.

Our rights in relation to interest

We intend to charge interest on unpaid legal costs if our costs are unpaid after 30 days of giving you this bill, in accordance with the Uniform Law. The rate of interest is the Cash Target Rate plus 2 per cent, specified by the Reserve Bank of Australia as at the date of this bill.

Notice of withdrawal of trust money

If money has been paid into our trust account for you, we hereby notify you that we will withdraw money from the trust and apply it towards payment of our legal costs that are owed at the expiration of 7 business days from the date this bill was given, in accordance with the Uniform Law and the Legal Profession Uniform General Rules 2015.

If you entered into a cost agreement with us prior to the 1st July 2022, the following will apply:

Legal Profession Act 2008 Section 291(3)

Your rights in relation to legal costs

The following avenues are available to you if you are not happy with this bill -

- requesting an itemised bill
- having our costs assessed
- discussing your concerns with us
- applying to set aside our costs agreement

For more information about your rights, please read the fact sheet titled Your right to challenge legal costs. You can ask us for a copy, or obtain it from the Legal Practice Board (or download it from the website of the Legal Practice Board or the Law Society of Western Australia).

Interest may be charged on all outstanding balances at the rate prescribed under regulation 79(2) of the Legal Profession Regulations 2009.

Liability limited by a scheme approved under Professional Standards Legislation.

