



STATUTORY DISCLOSURE TO CLIENTS

In addition to the Costs Agreement entered into by you with us which governs all matters on which you instruct us, we disclose the following matters as required by s260 of the *Legal Profession Act 2008* ("Act"):

Basis on which Legal Costs will be Calculated (s260(1)(a))

- 1 Legal costs will be calculated in accordance with the Costs Agreement.
- 2 In summary, legal costs are charged on an hourly rate applicable to the lawyer performing the work (or part of the work), calculated on a time cost basis of 6 minutes (1 unit) or part thereof.
- 3 For example:
 - 3.1 If a task takes 6 minutes, 1 unit (or 1/10 of the hourly rate) will be charged.
 - 3.2 If a task takes 3 minutes, 1 unit (or 1/10 of the hourly rate) will be charged.
 - 3.3 If a task takes 8 minutes, 2 units (or 2/10 of the hourly rate) will be charged.

Your Rights (s260(1)(b))

- 4 Refer to attached Schedule 1 Form 2 of the Act: "*Form of Disclosure of Costs to Clients*".

Estimate of Legal Costs (s260(1)(c))

- 5 See paragraphs 21 to 25 below for our costs estimate.

Intervals at which you will be Billed (s260(1)(d))

- 6 You will be invoiced at intervals of our discretion.

- 7 Generally we issue invoices at least once each month, but may issue invoices more regularly or less regularly depending on the nature of the work being performed.

Rate of Interest on Overdue Accounts (Section 260(1)(e))

- 8 Interest is charged on amounts unpaid after 30 days, at the rate prescribed by the Legal Profession Regulations 2009 from time to time.

Estimate of Costs Recoverable if Litigation Successful (Section 260(1)(i))

- 9 If you win the case (or part of it) you may be entitled to recover some of your legal costs from the losing party.
- 10 An order by a Court for payment of costs in favour of you will not necessarily cover the whole of your legal costs.
- 11 You must pay us the whole of your legal costs by their due dates. You cannot off-set any amount recoverable from the losing party against your indebtedness to us.
- 12 For our estimate of such costs, see paragraphs 21 to 25 below.

Estimate of Costs Payable by You if Litigation Unsuccessful (Section 260(f)(ii))

- 13 If you lose the case (or part of it) you may be ordered to pay some of the winning party's legal costs, in addition to having to pay your own legal costs.
- 14 For our estimate of such costs, see paragraphs 21 to 25 below.

Your Right to Progress Reports (s260(1)(g))

- 15 You have a right to progress reports in accordance with Section 269 of the *Legal Profession Act 2008*. In summary:
 - 15.1 On reasonable request, we will provide to you a written report of the progress of the matter in which we are retained by you. We may charge you for the report.
 - 15.2 On reasonable request, we will provide you with a written report of the legal costs incurred by you to date, or since the last bill (if any), in the matter. We will not charge you for this report.

Person who You May Contact to Discuss Legal Costs (s260(1)(h))

- 16 If you wish to discuss legal costs already incurred, at first instance you should contact our accounts manager, Colleen Kingham. If appropriate, the matter can then be referred to the lawyer with the care and conduct of your matter, _____.
- 17 If you wish to discuss future legal costs, you should contact the lawyer with the care and conduct of your matter, _____.

Disputes in Relation to Legal Costs, and Time Limits (s260(1)(i) and (j))

- 18 Refer to attached Schedule 1 Form 2 of the Act: "*Form of Disclosure of Costs to Clients*".

Jurisdiction (s260(1)(k))

- 19 The law of this jurisdiction, Western Australia, applies to legal costs in relation to this matter.

Right to Accept Agreement Under a Corresponding Law (s260(1)(l))

- 20 Not applicable.

Estimate of Legal Costs (s260(1)(b) and (f))

- 21 Our estimates in paragraph 25 below are made at a time when it is usually very difficult to predict all the work which will be required to be done on your behalf.
- 22 All estimates are based on information available to us at the time the estimate was prepared.
- 23 None of the estimates are quotes.
- 24 The main variables which affect the calculation of costs are:
 - 24.1 The extent of documentary material that we must review and consider.
 - 24.2 The complexity of the legal issues to be considered.
 - 24.3 The complexity of the factual matrix.
 - 24.4 The difficulty in which instructions are able to be obtained.
 - 24.5 Whether independent Counsel is engaged to undertake part of the work.
 - 24.6 The number of contested interlocutory applications.
 - 24.7 The other party's attitude to the matter (eg belligerent or co-operative).
 - 24.8 Generally, the nature of the work being performed.

25 Our estimates are as follows:

Matter in which we are instructed	Legal Costs payable under Costs Agreement plus GST and disbursements	Legal Costs payable to you if you win	Legal Costs payable by you if you lose (in addition to your own legal fees)



Legal Profession Regulations 2009

Schedule 1

Form 2

Form of disclosure of costs to clients

[r. 80(1)]

Legal Profession Act 2008 section 260(5)

Legal costs – your right to know

You have the right to –

- negotiate a costs agreement with us
- receive a bill of costs from us
- request an itemised bill of costs after you receive a lump sum bill from us
- request written reports about the progress of your matter and the costs incurred in your matter (at no cost to you)
- apply for costs to be assessed within 12 months if you are unhappy with our costs
- apply for the costs agreement to be set aside
- accept or reject any offer we make for an interstate costs law to apply to your matter
- notify us that you require an interstate costs law to apply to your matter

For more information about your rights, please read the fact sheet titled *Legal costs – your right to know*. 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).