

Legal Profession Uniform Law Resources

Consumer Rights in Relation to Legal Costs



All bills issued by law practices must include or be accompanied by a written statement setting out –

- a. the options open to the client in the event of a dispute about the legal costs; and
- b. any time limits which may apply to those options.

The following avenues are available to clients who are not ‘commercial or government clients’:

1. Requesting an itemised bill

If you do not receive an itemised bill, you may request one.

A request for an itemised bill must be made within 30 days after the date on which the legal costs in this bill become payable.

If the total amount of the legal costs specified in the itemized bill exceeds the amount previously specified in the lump sum bill, the additional costs may only be recovered from you after a costs assessment or a binding determination under section 292 of the *Legal Profession Uniform Law 2022* (WA).

2. Discussing any queries as to legal costs with your lawyer

If you have any queries in relation to your legal costs, please do not hesitate to contact your lawyer or the designated principle responsible for this bill.

3. In the event of a dispute about legal costs

- A. You may make a complaint to the Legal Practice Board of Western Australia A Complaint to the Legal Practice Board may be made within 60 days of the date on which the legal costs became payable or, if an itemized bill was requested, within 30 days of the request being complied with.

However, the Legal Practice Board may waive this time if it is satisfied that the complaint is made within 4 months after the required period, and it is just and fair to deal with the complaint having regard to the delay and the reasons for the delay.

There must also not be legal proceedings on foot in respect of the legal costs. There is a monetary limit of less than \$149,375 (indexed) for the total invoiced for the legal costs OR where the amount is \$149,375 or more, the amount of legal costs in dispute is less than \$14,940 (indexed).¹

A complaint can be addressed to:

Legal Practice Board
PO BOX 5720
PERTH WA 6000

Phone: (08) 6211 3600
Email: enquiries@lpbwa.com

Or made online at: <https://www.lpbwa.org.au/Complaints/Complaint-Enquiry-Form>

- B.** You may apply to have our costs assessed under section 198 of the *Legal Profession Uniform Law* (WA). Legal costs that are or have been the subject of a costs dispute may not be the subject of a costs assessment under except to the extent that:
- a) the Legal Practice Board is unable to resolve the costs dispute and has notified the parties of their entitlement to apply for a costs assessment;
or
 - b) the Legal Practice Board arranges for a costs assessment

An application for assessment of a bill must be made to the Supreme Court within 12 months after:

- a) the bill was provided to you, or
- b) the request for payment was made, or
- c) the costs were paid if neither a bill was given, nor a request was made.

You may apply for a costs assessment out of time to the State Administrative Tribunal. The State Administrative Tribunal will determine whether it is just and fair for the application for assessment to be dealt with after the 12-month period.

¹ <https://www.legalservicescouncil.org.au/Pages/Highlights/2022/The-Legal-Profession-Uniform-Law-cost-dispute-amounts-indexed-.aspx>