

Offer by Law Practice to Enter into Costs Agreement

This is an offer to enter into a costs agreement for Hammond Legal to provide the legal services described in paragraph 3 of Part 2 on the terms and conditions set out in Part 2 and Part 3. This offer may be accepted by you in writing or by your conduct by continuing to give instructions to Hammond Legal.

Part 1 – Agreement

You agree with Hammond Legal that:

- the details set out in Part 2; and
- the terms and conditions set out in Part 3 apply in relation to the services which are to be performed for you by Hammond Legal.

Signature of client

Signature of Director of Hammond Legal

Dated _____

Part 2 – Schedule

1. Client's Details

Name in full:

Address:

Telephone:

Email

2. Details of Law Practice

Name of law practice in full: Hammond Legal Pty Ltd (ACN 135 595 658) as trustee for the Hammond Legal Practice Trust trading as Hammond Legal (BN 11290584)

Address: Level 2, 82 Beaufort Street Perth 6000

Telephone: (08) 6311 7080

Facsimile: (08) 6311 7081

Email: sally.raine@hammondlegal.com.au
john.hammond@hammondlegal.com.au

3. Legal services for your matter numbered [insert no].

4A. Legal costs –

Hammond Legal will charge you as follows:

- (a) on an hourly rate calculated on a time cost basis of 6 minutes (“1 unit”). The minimum charge is 1 unit (even if actual time spent is less). Hammond Legal will charge the hourly rates below for all time spent performing the legal services described in item 3 above including but not limited to drafting, reviewing and completing documents, correspondence, advices, conferences, reading materials, telephone calls, court appearances including waiting time.

- | | |
|---|--|
| • <i>Principals John Hammond and Sally Raine, Consultant Robert Grayden</i> | Up to: <u>\$ 473.00 / hour</u>
inclusive of GST |
| • <i>Senior lawyer being five years or more in practice</i> | Up to: <u>\$ 473.00 / hour</u>
inclusive of GST |
| • <i>Junior lawyer being less than five years in practice</i> | Up to: <u>\$ 330.00 / hour</u>
inclusive of GST |
| • <i>Articled Clerk</i> | Up to: <u>\$ 220.00 / hour</u>
inclusive of GST |
| • <i>Clerk/Paralegal</i> | Up to: <u>\$ 220.00 / hour</u>
inclusive of GST |

- (b) Travelling time will be charged at 50% of the above rates plus out of pocket expenses.
- (c) Disbursements:
See Hammond Legal's schedule attached to this Agreement.

OR

4B. Legal costs

The law practice will charge you legal costs and disbursements on the following basis:

Not applicable

THE ESTIMATES IN PARAGRAPHS 5-8 ARE BASED ON THE INFORMATION AVAILABLE AT THE TIME OF PREPARING THIS AGREEMENT. THESE ESTIMATES ARE NOT QUOTES.

5. Estimate of total Client/Lawyer costs

Hammond Legal's overall estimate of legal costs payable by you to the law practice under this Agreement ("Client/Lawyer costs")

Up to approx: \$
inclusive of GST

6. Estimate if this agreement did not apply

Hammond Legal's estimate of the legal costs (including disbursements) which would be payable by you to the law practice if this Agreement did not apply.

(These costs are calculated under the relevant scale determined by the Legal Costs Committee or otherwise as applicable in the relevant Court or Tribunal)

Up to approx: \$
inclusive of GST

7. Estimate of costs you may recover if you are successful

Hammond Legal's estimate of the amount of your legal costs (including disbursements) to which you may be entitled from another person if you win.

(These costs are calculated under the relevant scale determined by the Legal Costs Committee or otherwise as applicable in the relevant Court or Tribunal)

Not applicable

8. Estimate of other party's costs if you are unsuccessful

Where possible, Hammond Legal's estimate of the amount of the other party's legal costs (including disbursements payable by you if you lose.)

(These costs are calculated under the relevant scale determined by the Legal Costs Committee or otherwise as applicable in the relevant Court or Tribunal.)

Not applicable

9. Payment in advance

Amount which you agree to pay in advance on account of legal costs and disbursements.

Not applicable

10. Rate of interest

The rate of interest you agree to pay on unpaid legal costs, if the costs are unpaid 30 days or more after the law practice has given a bill for the costs, is the rate prescribed by the Act and the *Legal Profession Regulations 2009*. The statutory rate is a floating rate that varies from time to time in accordance with independent determinations.

11. GST

You acknowledge that GST is payable in respect of each taxable supply made under this Agreement and that all charges including disbursements shown in this Agreement are inclusive of GST.

"GST", "taxable supply" and "tax invoice" have the meaning given in *A New Tax System (Goods & Services Tax) Act 1999*.

12. Chargeable fees

You acknowledge that the fees chargeable under the terms of this Agreement will in most cases be more than would be chargeable in the absence of this Agreement. The reason for that is that in the absence of this Agreement a court scale applies to the legal services described in paragraph 3. The court scale may limit the number of hours that can be charged by the law practice for some services, and in some cases, may provide that certain work may not be chargeable at all. Further, a court scale applies different hourly rates for different services. Under this Agreement the amount that will be charged to you will in most cases be more than the scale because the law practice may charge a flat hourly rate for all work undertaken whether it is complex or not.

13. Applicable Legal Costs Committee Determination

The Legal Costs Committee is an independent statutory authority that maintains regular reviews of scales of costs (Determinations) to establish maximum rates for particular kinds of legal work where there is no costs agreement.

The Legal Costs Committee's Determination that would apply in the absence of this agreement is the

14. Additional arrangements

No additional arrangements apply.

SCHEDULE

CHARGES FOR DISBURSEMENTS

1. Hammond Legal will charge for printing, photocopying, binding, facsimile, telephone and postal costs as follows:

- a) for invoiced amounts over \$1,000.00, Hammond Legal will charge \$50.00 subject to the following;
- b) for invoiced amounts over \$5,000.00, Hammond Legal will charge \$100.00 subject to the following;
- c) at its absolute discretion, if Hammond Legal determines that a higher charge will apply due to large or bulk volumes of printing, photocopying, binding, facsimile, telephone and/or standard letter postal costs, then Hammond Legal will charge for those costs as follows:
 - i) printing - \$1.00 per page;
 - ii) photocopying - \$0.80 per page;
 - iii) binding - \$5.00 per document;
 - iv) facsimile:
 - a. local - \$1.00 per page;
 - b. STD - \$2.00 per page; and
 - c. ISD - \$3.00 per page;
 - v) telephone:
 - a. mobile - \$0.50 per minute;
 - b. STD (intrastate) - \$0.50 per minute;
 - c. STD (interstate) - \$1.00 per minute; and
 - d. international - \$2.50 per minute;
 - vi) postage – at cost.

2. Hammond Legal will charge for out-of-pocket expenses as set out below:

- a) courier charges - the amount charged by the courier provider;
- b) registered mail and express mail;
- c) external search fees - the amount charged by the relevant body;
- d) travelling by vehicle- \$0.66 per kilometre;
- e) travel expenditure including parking, air fares, vehicle hire and accommodation – at cost;
- f) retrieval of file from archives - \$75.00 plus GST;
- g) expert reports - at cost;
- h) Court fees - at cost;
- i) process server fees – at cost;
- j) counsel fees – at cost;
- k) medical reports or expert reports – at cost; and
- l) reports generally – at cost.

