

Application form for costs assessments

Legal Profession Act and Legal Profession Regulations

Information for all applicants

The Law Society Northern Territory (the Society) facilitates the allocation of applications for costs assessment made under the *Legal Profession Act 2006* (the LPA).

Section 335(1) of the LPA provides that an application for a costs assessment:

- must be made in accordance with the *Legal Profession Regulations* (the Regulations); and
- must be accompanied by the fee prescribed by the Regulations, (unless waived under section 335(4) of the LPA).

The Regulations prescribe that an application for costs assessment must be made in the prescribed form.

Upon receipt of a completed application form and payment of the application fee the Society will allocate the application to a costs assessor who is not conflicted and is available to undertake the assessment within a reasonable timeframe. Once the costs assessment has been allocated to a costs assessor the client and the law practice will receive a letter from the Society notifying them of the name of the appointed costs assessor. The costs assessor will then contact the client and the law practice directly to arrange to undertake the costs assessment.

How much is the application fee?

Regulations 80H(2) prescribes that the application fee is the greatest of the following amounts:

- 100 revenue units;
- 1% of the amount remaining unpaid on the bill of costs when the application is made; or
- 1% of the amount of costs in dispute when the application is made

The amount of the revenue unit is set by the Northern Territory Government each year. The current revenue unit amount can be found at: <http://www.treasury.nt.gov.au/TaxesRoyaltiesAndGrants/AboutTerritoryRevenueOffice/Pages/Revenue-Units.aspx>

Who can apply for a costs assessment?

An application for a costs assessment can be made by:

- A client of a law practice;
- A third party payer as defined in section 296 of the LPA; or
- A law practice, including assessment of fees rendered by another law practice retained by the law practice.

A law practice cannot apply for a costs assessment of fees rendered by another law practice if there is a costs agreement between the client and the other law practice (section 333(5)).

Important – time limits

An application by a client or a third party payer must be made within 12 months after:

- the bill was given;
- a request for payment was made; or
- the costs were paid if there was no bill given or no request for payment.

An application outside of this time limit may be made if the Supreme Court permits it.

An application by a law practice for the assessment of costs of another law practice retained must be made within 60 days of when:

- the bill was given;
- a request for payment was made; or
- the costs were paid if there was no bill given or no request for payment.

An application by a law practice may not be made until at least 30 days have passed since:

- the bill was given;
- a request for payment was made;
- the costs were paid if there was no bill given or no request for payment; or
- an application has been made under Chapter 3 Division 8 of the LPA by another person in relation to the legal costs.

Application for a costs assessment

TO: Costs Assessors
c/o Law Society Northern Territory

1. Details of applicant

Name:

(If applicant is a law practice name of contact person)

Postal address:

Telephone:

Email:

Is the applicant a client or a third party payer of a law practice?

YES – Go to Question 2.1 NO

Is the applicant the law practice who provided legal services?

YES – Go to Question 2.2 NO

2. Details of the other party to the application

2.1. For an application by a client or third party lawyer

Details of the law practice you are in dispute with.

Name of law practice:

Address:

Telephone:

Email:

Name of the matter or law practice's file reference (if known):

2.2. For an application by law practice

Details of the client or third party payer.

Name of client:

Address:

Telephone: (h) (w) (m)

Email:

Any other identifying information:

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3. Costs dispute

3.1. Total amount of costs in dispute: \$

3.2. Was the bill for the legal costs given to the applicant?

- YES – On what date/s?
- NO

3.3. Was there a request for payment of legal costs without a bill?

- YES – How much?

On what date/s:

- NO

3.4. Have any of the costs been paid?

- YES – How much?

On what date/s:

- NO

4. Documents and other information

4.1. The following documents are provided with this application:

- Invoice/s – required
- Costs Disclosure Notice
- Costs Agreement
- Other (please provide details):

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4.2. Briefly outline the costs in dispute or the reason the costs are disputed:

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5. Statement by the applicant

I (applicant's name) declare that:

- there is no reasonable prospect of settling this dispute about legal costs through mediation.
- the cost assessor is authorised to have access to, and to inspect, all documents held by the Applicant, or by any law practice, Australian legal practitioner or Australian-registered foreign lawyer, in relation to the matter to which this Application relates.
- payment of the application fee in the amount of \$ is enclosed.

Dated this day of 20.....

Signature of applicant:

Notice to cost assessor

Pursuant to section 337, you must give a copy of this application to any law practice or client concerned or any other person you consider it appropriate to notify.