

THE ASSESSMENT OF DISPUTES ABOUT  
LEGAL COSTS: A COMPARATIVE ANALYSIS  
OF THE WESTERN AUSTRALIAN AND NEW  
SOUTH WALES REGIMES.

Stephen Shaw

(LLB)

Thesis submitted in fulfilment of the requirements of the degree of

Doctor of Philosophy

School of Law

Murdoch University

Western Australia

July

2013



## Acknowledgements

---

I wish to acknowledge the support of my wife Chris and my daughter Kelly, both of whom spent hours reading things and editing things they had no real interest in.

My two supervisors deserve more credit than a university workload formula allows. I acknowledge Dr Kate Lewins, who read every word of this thesis at least three times; her patient corrections made what was too often a stream of consciousness into a semblance of academic discourse. I also acknowledge Dr Jaime Zander, who actually understands statistics, and who lent me that understanding so that my research could lead to some concrete conclusions. Without their gentle pushing and occasional kicks this thesis would have remained in my head and not found its way onto paper.

I also wish to acknowledge the help and support of the staff from the Supreme Court of Western Australia and the Costs Assessment Scheme in New South Wales. In particular I thank Ramon Loyola, who was kindness personified during my visits to New South Wales. I also specifically thank the librarians in the Supreme Court of Western Australia for allowing me a work space that kept me safe from students.

Lastly, I wish to thank David Garnsworthy, Western Australia's most well-known costing specialist. This thesis and my abiding interest in the issues surrounding legal costs originate with him.



## Declaration

---

This thesis contains no material which has been accepted for the award of any other degree or diploma in any other university and, to the best of my knowledge or belief, contains no material previously published or written by another person, except when due reference is made in the text.

---

Stephen Shaw

July 2013



## Abstract

---

All Australian jurisdictions provide mechanisms for assessing legal costs. Costs assessment is carried out in two circumstances. Clients who are dissatisfied with what their own lawyers have charged can have those charges assessed. When a court orders that a losing litigant pay the legal costs of the winning litigant those costs too can be assessed. Australian costs assessment mechanisms have been inherited from England, and the traditional model of costs assessment is an adversarial process operated by the courts. Western Australia has a costs assessment scheme that follows that traditional model. In contrast New South Wales abandoned the traditional model in 1994, adopting an administrative costs assessment scheme operating separately from the courts with practicing lawyers acting as costs assessors and paid as sub contractors to determine costs disputes.

This thesis explores the costs assessment schemes of both jurisdictions. The traditional judicial process still used in Western Australia and the 'reformed' administrative process that has been introduced in New South Wales are examined separately and in some detail. In particular, the thesis considers the various factors that led to the 1994 Reforms in New South Wales and investigates whether the Reforms have produced the results that were expected of them. The thesis then provides quantitative data from both jurisdictions and evaluates the performance of each against the other in the context of a range of different factors including the rates of return on disputed bills and the time each system takes to determine disputes.

As a result of the analysis, the thesis agrees with the New South Wales Reforms that the judicial process, where adversarial contest is used to determine the truth about the parties' claims, is not well suited to disputes that are centred in the reasonableness of legal fees. For that and a range of other reasons the thesis concludes that the administrative model of costs assessment as adopted in New South Wales is better able to serve the interests of the various stakeholders. Nonetheless, the thesis notes that the stakeholders in the New South Wales costs assessment scheme consider it deficient and that a recent and thorough review of the scheme has made recommendations that, if adopted, will make profound changes to the way that legal costs are assessed in that state.





# Contents

---

ACKNOWLEDGEMENTS .....	I
DECLARATION .....	III
ABSTRACT .....	V
LIST OF TABLES.....	XIII
LIST OF FIGURES.....	XIII
CHAPTER ONE: INTRODUCTION TO THE THESIS .....	1
1.1: OVERVIEW.....	1
1.2: INTRODUCTION TO THE THESIS.....	2
1.2.1: <i>The Law of Costs and Costs Assessments</i> .....	2
1.2.2: <i>The structure of the thesis</i> .....	3
1.3: THE LAW OF COSTS: A BRIEF HISTORY .....	5
1.3.1: <i>Costs as a creature of statute</i> .....	6
1.3.2: <i>The law of costs in Australia</i> .....	6
1.3.3: <i>Why have a law of costs?</i> .....	7
1.3.4: <i>The Assessment Process</i> .....	8
1.3.4.1: Client/solicitor and solicitor/client costs .....	8
1.3.4.2: Party/party costs.....	9
1.3.5: <i>Costs: the default position</i> .....	11
1.3.6: <i>Contracting out of the default position</i> .....	12
1.4: THE SCOPE OF THIS THESIS .....	13
1.5: THE PURPOSE OF THIS THESIS .....	14
1.5.1: <i>Did the 1994 Reforms achieve their intended outcomes?</i> .....	14
1.5.2: <i>Which of the two costs assessment regimes provides the most advantages to the jurisdiction's courts?</i> 15	
1.5.3: <i>What are the unintended benefits of the 1994 Reforms?</i> .....	15
1.6: HOW WILL THE THESIS ACHIEVE ITS PURPOSE? .....	15
Table 1.1: Historical timeline of costs assessment .....	17
CHAPTER TWO: ASSESSMENT OF COSTS IN WESTERN AUSTRALIA- A BRIEF HISTORY.....	19
2.1: OVERVIEW .....	19
2.2: THE EARLY YEARS .....	19
2.3: THE WINDS OF CHANGE: THE CLARKSON COMMITTEE 1979-1983 .....	24
2.4: THE REVIEW OF THE CRIMINAL AND CIVIL JUSTICE SYSTEM IN WESTERN AUSTRALIA .....	28
2.4.1: <i>The LRCWA's views on costs assessment and related issues</i> .....	28
2.4.2: <i>The time frame for seeking assessment</i> .....	29
2.4.3: <i>Solicitor initiated assessment</i> .....	30
2.4.4: <i>'One more such success will ruin me': reasonable costs recovery for a successful litigant</i> .....	30
2.4.5: <i>Reducing the burden on the courts</i> .....	32
2.4.6: <i>The LRCWA position on contingency and uplift fees</i> .....	33
2.4.7: <i>The fate of the LRCWA recommendations</i> .....	39
2.5: THE 2008 REFORMS: TOWARDS A NATIONAL APPROACH TO REGULATION .....	40
2.5.1: <i>Some particular effects of the 2008 Reforms</i> .....	43

2.5.1.1: The extended time limit for assessment .....	43
2.5.1.2: Practitioners gain the right to file their own bills for assessment .....	45
2.5.1.3: Uplift fees are introduced in Western Australia .....	48
<i>2.5.2 One radical reform: Provisional Assessment</i> .....	46
<b>2.6 Conclusion</b> .....	<b>50</b>

**CHAPTER THREE: ASSESSMENT OF COSTS IN NEW SOUTH WALES- A BRIEF HISTORY .....52**

3.1: OVERVIEW .....	53
3.2: A BRIEF HISTORY OF COSTS ASSESSMENT IN NEW SOUTH WALES UP UNTIL THE LATE 1970S .....	57
3.3: THE LEAD UP TO AND RATIONALE FOR THE NEW SOUTH WALES REFORMS .....	59
<i>3.3.1: Responsibility for providing scales of costs shifted from the courts to an expert panel by the Legal Practitioners (Solicitors' Remuneration) Amendment Act 1984</i> .....	60
<i>3.3.2: The Legal Profession Act (1987): general Reforms and a signpost to costs reform</i> .....	63
<i>3.3.3: The NSWLRC report 1991- 1993</i> .....	64
<i>3.3.4: Government seeks further input as to costs reform (1992-1993)</i> .....	65
<i>3.3.5: The Legal Profession Reform Bill 1993: An introduction and overview</i> .....	66
3.3.5.1: The Legal Profession Reform Bill 1993: A move to market forces and the abolition of scales of costs to benefit clients .....	73
3.3.5.2: The Legal Profession Reform Bill 1993: changing the process of assessment .....	76
3.3.5.3: The Legal Profession Reform Bill 1993: Uplift fees and the rationale for introducing them .....	78
3.3.5.4 : Criticism of the rationale for conditional costs agreements containing uplift fees .....	80
3.3.5.5: Party/party costs recovery of conditional fees under the 1994 Reforms .....	82
3.4: THE LEGAL PROFESSION REFORM ACT 1993 IS ENACTED .....	84
<i>3.4.1: A new Part 11 for the 1987 Act</i> .....	85
3.4.1.1: Dealing with invalid costs agreements; default in disclosure .....	88
3.4.1.2: Performing the assessment .....	91
3.4.1.3: Appeals against a costs assessment .....	94
3.5: AMENDMENTS; TEETHING PROBLEMS WITH THE 1994 REFORMS .....	95
3.6: A PAUSE FOR REFLECTION .....	98
<i>3.6.1: Discussion on the removal of scales of costs</i> .....	99
<i>3.6.2: Problems with contingency costs agreements with uplift fees</i> .....	105
3.7: AN INTRODUCTION TO THE FIRST REVIEW OF THE 1994 REFORMS: THE NATIONAL COMPETITION REVIEW ....	108
3.8: LEGAL PROFESSION AMENDMENT (COST ASSESSMENT) BILL 1998 .....	110
<i>3.8.1: Making costs assessment user-pays</i> .....	110
<i>3.8.2: Reasons for determinations and internal review mechanisms</i> .....	111
<i>3.8.3: Limiting costs for MVA claims</i> .....	113
<i>3.8.4: The 1998 amendments: a bipartisan agreement as to further reform</i> .....	113
3.9: THE NATIONAL COMPETITION POLICY REVIEW OF THE LEGAL PROFESSION ACT 1987: FINAL REPORT .....	114
<i>3.9.1: The National Competition Review Report: Scales of costs, benchmark fees and some confusion</i> .....	115
<i>3.9.2: The National Competition Review Report: Uplift fees</i> .....	117
3.10: FURTHER AMENDMENTS: THE CIVIL LIABILITY ACT 2002 .....	118
3.11: THE 1987 ACT IS REPLACED BY THE LEGAL PROFESSION ACT 2004 .....	122
3.12: AMENDMENTS POST 2004 ACT .....	126
<i>3.12.1: The Legal Profession Amendment Act 2006</i> .....	126
<i>3.12.2: The Legal Profession Further Amendment Act 2006</i> .....	127
<i>3.12.3: Further amendments 2007- 2011</i> .....	129
3.13: THE 2011 REVIEW OF THE COSTS ASSESSMENT SCHEME .....	130
<i>3.13.1: Submissions to the Chief Justice's Review</i> .....	131
3.13.1.1: The Office of the Legal Services Commissioner submissions .....	132

3.13.1.2: The Law Society of New South Wales submissions .....	135
3.13.1.2.1: The Law Society’s view of a party/party assessment.....	137
3.13.1.2.2: The Law Society’s view of an assessment between a practitioner and a client.....	138
3.13.1.3: The Legal Aid Submissions .....	140
<i>3.13.2: The 2011 Review: Draft Recommendations.....</i>	<i>142</i>
3.13.2.1: The 2011 Draft Recommendations: The aims pursued.....	142
3.13.2.2: The 2011 Recommendations: Set out of the recommendations.....	143
3.13.2.3: The 2011 Recommendations: Constraints on the Review Panel and analysis of those constraints .....	144
<i>3.13.3: The 2011 Recommendations: the suggested Reforms.....</i>	<i>146</i>
3.13.3.1: Suggested Reforms: Under the Court’s wing and an increased workload for the Manager Costs Assessment .....	146
3.13.3.2: Suggested Reforms: Encouraging rapid resolutions.....	147
3.13.3.3: Suggested Reforms: ‘guidelines’ a partial return to scales.....	152
3.13.3.4: Suggested Reforms: Determinations.....	155
3.13.3.5: Suggested Reforms: Reviews and Appeals .....	156
3.13.3.6: Suggested Reforms: Costs Assessors .....	158
3.13.3.7: Suggested Reforms: an overview and some final observations.....	160
3.13.3.7.1 Increasing the gap between what is spent on costs and what is recovered on a costs order .....	161
3.13.3.7.2: Abandoning the ‘user pay’ model .....	162
3.13.3.7.3: Guidelines for client and own practitioner disputes .....	162
3.14 CONCLUSION .....	163
<i>3.14.1 One reservation.....</i>	<i>164</i>
<i>3.14.2: The expense of the current system in New South Wales and the ‘user pay’ principle.....</i>	<i>166</i>
<i>3.14.3 An alternate argument for administrative costs assessment.....</i>	<i>168</i>
<i>3.14.4: Closing:.....</i>	<i>169</i>

**CHAPTER FOUR: COMPARISONS BETWEEN THE WESTERN AUSTRALIAN AND NEW SOUTH WALES COSTS ASSESSMENT SCHEMES.....171**

4.1: OVERVIEW .....	171
4.2: METHODOLOGY .....	172
<i>4.2.1: Methodology in Western Australia: the practicalities.....</i>	<i>173</i>
4.2.1.1: Extracting data from party/party in Western Australia.....	173
4.2.1.2: Extracting data from client/solicitor bills in Western Australia .....	174
<i>4.2.2: Methodology in New South Wales: A much easier approach.....</i>	<i>175</i>
<i>4.2.3: An immediately obvious and beneficial consequence of the 1994 Reforms.....</i>	<i>175</i>
4.3: THE CASES COLLECTED.....	177
Table 4.1 Type and quantity of assessments from each jurisdiction.....	177
4.4: THE DATA EXTRACTED AND THE RATIONALE AS TO WHY IT WAS EXTRACTED.....	178
<i>4.4.1: Data as to monetary quantum.....</i>	<i>178</i>
Table 4.2 Data as to Monetary Quantum.....	178
<i>4.4.2: Temporal Data.....</i>	<i>179</i>
Table 4.3 Temporal Data.....	179
<i>4.4.3: Difference in data collection across the jurisdictions.....</i>	<i>180</i>
4.5: THE DATA PRESENTED .....	181
<i>4.5.1: Interpreting statistical results: a helpful guide.....</i>	<i>181</i>
4.5.1.1: t-tests.....	181
4.5.1.2: Correlation .....	182
<i>4.5.2: Quantum of party/party bills filed for assessment.....</i>	<i>183</i>
Figure 4.1: Pie charts illustrating the percentage of party-party bills falling into each quantum category for WA and NSW .....	184

4.5.3: <i>Percentage of party/party bill awarded after assessment</i> .....	186
Figure 4.2: Percentage of bill awarded for party-party bills in Western Australia .....	186
Figure 4.3: Percentage of bill awarded for party-party bills in New South Wales .....	187
Table 4.4: Average percentage of party-party bills awarded by assessors in WA and NSW .....	188
Figure 4.4: Party/Party percentage of B-Q returned .....	189
4.5.4: <i>Time party/party bills spent in the assessment process</i> .....	194
Figure 4.5: Months taken to complete assessment for party-party bills in WA and NSW .....	194
4.5.5: <i>Time taken to file a party/party bill for assessment in Western Australia</i> .....	196
4.6: CLIENT/SOLICITOR ASSESSMENTS .....	199
4.6.1: <i>Volume of client/solicitor bills filed for assessment in WA and NSW</i> .....	199
Table 4.5 Volume of client/solicitor assessments across WA and NSW .....	200
4.6.2: <i>Quantum of client/solicitor bills as assessed in NSW and WA</i> .....	201
Figure 4.6: Pie charts illustrating the percentage of client-solicitor bills falling into each quantum category for WA and NSW .....	201
4.6.3: <i>Percentage of client/solicitor bills awarded after assessment</i> .....	204
Figure 4.7: Percentage of bill awarded for client-solicitor bills in WA and NSW .....	205
Table 4.6: Average percentage of bills awarded by assessors in WA and NSW .....	206
4.6.4: <i>Time taken to assess client/solicitor bills</i> .....	208
Figure 4.8: Months taken to complete bill assessment for client-solicitor bills in WA and NSW .....	209
4.6.5: <i>How long client/solicitor assessments took in New South Wales</i> .....	210
Figure 4.9 Time taken to do solicitor client bills in NSW .....	211
4.6.6: <i>General observations on the client/solicitor assessments</i> .....	212
4.7: INTERNAL ANALYSIS OF THE NEW SOUTH WALES SCHEME .....	215
4.7.1: <i>Client/solicitor assessments as compared to solicitor/client assessments: New South Wales</i> .....	215
Table 4.7 Comparison of volumes and completions of assessment, disputes between practitioners and their own clients in New South Wales .....	215
Figure 4.10: Percentage of bill awarded for solicitor/client bills in NSW .....	219
4.7.2: <i>Time taken to assess a bill: New South Wales: all bills</i> .....	221
Figure 4.11 Time taken to do assessments in New South Wales, across the three types of assessment that occur in that jurisdiction .....	222
Table 4.8 Time own-client disputes spent ‘in system’ for assessment in New South Wales, expressed in months .....	223
4.7.3: <i>General observations on internal New South Wales comparisons</i> .....	224
4.8: DISCUSSION OF THE DATA IN RELATION TO THE STATED GOALS OF THE 1994 REFORMS .....	225
4.9: DISCUSSION OF WHICH SYSTEM IS ‘BETTER’ FROM THE PERSPECTIVE OF THE COURTS .....	230
4.10: SUGGESTIONS FOR FURTHER RESEARCH .....	233
4.11: CONCLUSION .....	234
<b>CHAPTER 5: CONCLUSION .....</b>	<b>237</b>
5.1: OVERVIEW .....	237
5.2: DO WINNING LITIGANTS RECOVER MORE OF THE COSTS OF THEIR LITIGATION BECAUSE OF THE 1994 REFORMS? .....	238
5.2.1 <i>Muddying the waters: the rise and demise of uplift fees</i> .....	238
5.3: DO CLIENTS WHO HAVE THEIR OWN PRACTITIONER’S BILLS ASSESSED BENEFIT FROM THE 1994 REFORMS? ..	241
5.4: HAVE THE 1994 REFORMS PROVIDED A BENEFIT FOR THE COURTS IN THE NEW SOUTH WALES JURISDICTION? ..	242
5.4.1: <i>Access to justice via costs assessment</i> .....	242
5.4.2: <i>Which costs assessment regime is most advantageous to the courts of the jurisdiction?</i> .....	243
5.5: WHICH COSTS ASSESSMENT REGIME IS BETTER FOR LEGAL PRACTITIONERS? .....	244

5.6: UNINTENDED CONSEQUENCES OF THE 1994 REFORMS.....	246
5.7: CLOSING REMARKS .....	248
<b>ANNEXURE 1: HOW LIABILITY FOR LEGAL COSTS ARISES.....</b>	<b>251</b>
A1.I: OVERVIEW .....	251
A1.II: THE SMITH V JOHNSTON RETAINER .....	252
<i>A1.ii.a. Interim Bills</i> .....	253
<i>A1.ii.b Solicitor/client and party/party costs</i> .....	255
<i>A1.ii.c The effect of interim costs orders</i> .....	257
A1.III: CONCLUSION .....	258
<i>Sample Lump Sum Bill</i> .....	265
<i>Sample Itemised Bill</i> .....	266
<b>ANNEXURE 2: THE MECHANICS OF COSTS ASSESSMENT IN WESTERN AUSTRALIA.....</b>	<b>262</b>
A2.I: OVERVIEW .....	262
A2.II: THE PARTY/PARTY DISPUTE .....	264
<i>A2.ii.a Scales of Costs</i> .....	265
<i>A2.ii.b Drawing the bill at scale</i> .....	266
<i>A2.ii.c Provisional assessment</i> .....	268
<i>A2.ii.d The appointment with the assessor</i> .....	269
Criteria for assessment.....	269
<i>A2.ii.e Work assessed off the bill</i> .....	270
<i>A2.ii.f Finalising the assessment</i> .....	272
Figure A2.1: Party/party assessment in Western Australia .....	273
<i>A2.ii.g Review of assessment</i> .....	273
A2.III: THE SOLICITOR CLIENT DISPUTE .....	274
<i>A2.iii.a The client/solicitor bill</i> .....	275
<i>A2.iii.b The conduct of the assessment and the issues that will determine it</i> .....	276
A2.iii.b1 Issues that will cause a reduction in the bill.....	278
Figure A2.2 Client/solicitor assessment in Western Australia .....	280
A2.IV: CONCLUSION .....	281
Plaintiff's Bill of Costs Pursuant to the orders of THE HONOURABLE Justice Lewins DATED 12 July 2012 .....	283
<b>ANNEXURE 3: THE MECHANICS OF COSTS ASSESSMENT IN NEW SOUTH WALES. ....</b>	<b>291</b>
A3.I: OVERVIEW .....	291
A3.II: PARTY/PARTY ASSESSMENTS IN NEW SOUTH WALES. ....	293
<i>A3.ii.a Commencing the application for assessment</i> .....	300
<i>A3.ii.b The assessment</i> .....	302
<i>A3.ii.c The costs of assessment</i> .....	304
<i>A3.ii.d The certificate of determination</i> .....	300
Figure A3.1: Party/party assessment in New South Wales.....	301
A3.III: INTERNAL REVIEW OF COSTS ASSESSMENT .....	301
A3.IV: JUDICIAL REVIEW OF COSTS ASSESSMENT.....	303
A3.V: THE CLIENT/SOLICITOR ASSESSMENT.....	304
<i>A3.v.a: The key differences between own-practitioner and party/party assessment</i> .....	307
<i>A3.v.b: The end of the client/solicitor assessment</i> .....	309

Figure A3.2 Client/solicitor assessment in New South Wales.....	310
A3.VI: CONCLUSION .....	310

<b>Bibliography.....</b>	<b>312</b>
--------------------------	------------

## List of Tables

---

<b>TABLE 1.1: HISTORICAL TIMELINE OF COSTS ASSESSMENT</b> .....	17
<b>TABLE 4.1 TYPE AND QUANTITY OF ASSESSMENTS FROM EACH JURISDICTION</b> .....	177
<b>TABLE 4.2 DATA AS TO MONETARY QUANTUM</b> .....	178
<b>TABLE 4.3 TEMPORAL DATA</b> .....	179
<b>TABLE 4.4: AVERAGE PERCENTAGE OF PARTY-PARTY BILLS AWARDED BY ASSESSORS IN WA AND NSW</b> .....	188
<b>TABLE 4.5 VOLUME OF CLIENT/SOLICITOR ASSESSMENTS ACROSS WA AND NSW</b> .....	200
<b>TABLE 4.6: AVERAGE PERCENTAGE OF BILLS AWARDED BY ASSESSORS IN WA AND NSW</b> .....	206
<b>TABLE 4.7 COMPARISON OF VOLUMES AND COMPLETIONS OF ASSESSMENT, DISPUTES BETWEEN PRACTITIONERS AND THEIR OWN CLIENTS IN NEW SOUTH WALES.</b> .....	215
<b>TABLE 4.8 TIME OWN-CLIENT DISPUTES SPENT ‘IN SYSTEM’ FOR ASSESSMENT IN NEW SOUTH WALES, EXPRESSED IN MONTHS</b> .....	223

## List of Figures

---

<b>FIGURE 4.1: PIE CHARTS ILLUSTRATING THE PERCENTAGE OF PARTY-PARTY BILLS FALLING INTO EACH QUANTUM CATEGORY FOR WA AND NSW</b> .....	184
<b>FIGURE 4.2: PERCENTAGE OF BILL AWARDED FOR PARTY-PARTY BILLS IN WESTERN AUSTRALIA</b> .....	186
<b>FIGURE 4.3: PERCENTAGE OF BILL AWARDED FOR PARTY-PARTY BILLS IN NEW SOUTH WALES</b> .....	187
<b>FIGURE 4.4: PARTY/PARTY PERCENTAGE OF B-Q RETURNED</b> .....	189
<b>FIGURE 4.5: MONTHS TAKEN TO COMPLETE ASSESSMENT FOR PARTY-PARTY BILLS IN WA AND NSW</b> .....	194
<b>FIGURE 4.6: PIE CHARTS ILLUSTRATING THE PERCENTAGE OF CLIENT-SOLICITOR BILLS FALLING INTO EACH QUANTUM CATEGORY FOR WA AND NSW</b> .....	201
<b>FIGURE 4.7: PERCENTAGE OF BILL AWARDED FOR CLIENT-SOLICITOR BILLS IN WA AND NSW</b> .....	205
<b>FIGURE 4.8: MONTHS TAKEN TO COMPLETE BILL ASSESSMENT FOR CLIENT-SOLICITOR BILLS IN WA AND NSW</b> .....	209
<b>FIGURE 4.9: TIME TAKEN TO DO SOLICITOR CLIENT BILLS IN NSW</b> .....	211

<b>FIGURE 4.10: PIE CHARTS ILLUSTRATING THE PERCENTAGE OF OWN CLIENT BILLS FALLING INTO EACH QUANTUM CATEGORY FOR THE TWO TYPES OF ASSESSMENT IN NEW SOUTH WALES.....</b>	<b>211</b>
<b>FIGURE 4.11: PERCENTAGE OF BILL AWARDED FOR SOLICITOR/CLIENT BILLS IN NSW .....</b>	<b>219</b>
<b>FIGURE 4.12: TIME TAKEN TO DO ASSESSMENTS IN NEW SOUTH WALES, ACROSS THE THREE TYPES OF ASSESSMENT THAT OCCUR IN THAT JURISDICTION .....</b>	<b>222</b>
<b>FIGURE A2.1: PARTY/PARTY ASSESSMENT IN WESTERN AUSTRALIA .....</b>	<b>273</b>
<b>FIGURE A2.2 CLIENT/SOLICITOR ASSESSMENT IN WESTERN AUSTRALIA .....</b>	<b>280</b>
<b>FIGURE A3.1: PARTY/PARTY ASSESSMENT IN NEW SOUTH WALES.....</b>	<b>301</b>
<b>FIGURE A3.2: CLIENT/SOLICITOR ASSESSMENT IN NEW SOUTH WALES .....</b>	<b>310</b>