

Process to escalate Protocol cost disputes

There is currently no defined escalation process outlined within the Impairment or Dispute Resolution Protocols where the parties are unable to reach agreement on the appropriate legal costs or disbursements payable. The Common Law Protocols currently allow for a cost dispute to be referred to the LIV for resolution by the CEO or their delegate (clause 21.28).

To ensure consistency across the Protocols, the parties have agreed to the following process for resolving any dispute regarding legal costs and/or disbursements.

STAGE 1 – TAC employee with conduct of matter

Where a legal practitioner disputes the amount of legal costs or disbursements that the TAC will pay for a Protocol matter, the legal practitioner should attempt to resolve the dispute directly with the TAC employee that is responsible for the substantive matter.

STAGE 2 – escalate to TAC employee's Manager

In the event the cost dispute is unable to be resolved through Stage 1, the legal practitioner can contact the TAC employee's Manager to discuss and attempt to resolve the cost issue in dispute.

STAGE 3 – escalate to TAC Senior Manager (Common Law and Impairment or Service and Review)

If the cost dispute remains unresolved, the legal practitioner can escalate the matter to the relevant Senior Manager depending on the cost issue in dispute:

- Common Law and Impairment; or
- Service and Review (for Dispute Resolution Protocols)

The cost issue will then be tabled for discussion at the Protocol Working Group (PWG) where the TAC, Law Institute of Victoria (LIV) and Australian Lawyers Alliance (ALA) representatives will reach a determination on the issue.

The PWG's determination will be applied to future matters of a similar nature and will be distributed by the LIV and ALA delegates to their members.

How to obtain TAC Manager and Senior Manager contact details

Current contact details for the relevant Manager or Senior Manager can be obtained by:

- a) Asking the TAC employee with conduct of the matter;
- b) Contacting a representative to the Protocol Working Group from the LIV (at protocol-enquiries@liv.asn.au) or the ALA (at enquiries@lawyersalliance.com.au); or
- c) Sending a brief email to review@tac.vic.gov.au asking for the name and contact details of the relevant Manager or Senior Manager. No further details need to be provided in this email.