

February 2022

OUR LEGAL SERVICES (Client Care & Information)

We undertake legal work exclusively for Business South Inc. members. This involves both a limited phone advice service that is available free-of-charge as part of your membership, and services that can be provided at additional cost on a fee-paying basis.

This letter sets out the basis on which we provide these services.

1. Legal services that we provide

The following is a summary of the legal services we can provide:

- Advice on your rights, obligations or liabilities as an employer or arising out of any employment relationship that involves you;
- Representing you in any claim or action by or against you under employment-related statutes;
- Compliance issues with laws and rules that affect your normal business or profession:

Depending on the nature of your instructions we may provide a separate letter containing more detail of the legal services we will provide to you.

2. Services that are part of your membership

If you telephone or email to “pick the brains” of one of our lawyers or advocates then as a guide, a phone call of up to 15 minutes will involve no charge, provided the lawyer does not have to check or draft any document, undertake any research or any further type of work. If you email us we will generally ring you back rather than email you. This is because of the time it takes to draft an email response. If the question is simple, we may email you a reply and this is included in our free service. Business South also contracts with AdviceLine. This service operated by the Employer’s and Manufacturer’s Association (EMA) may respond to your initial query on our behalf during busy periods. These ‘advice and information-providing’ membership services are not the provision of legal services.

3. Fee paying services

Where your issue requires more time than that set out in the preceding paragraph then our services are provided on a fee-paying basis. This is because of the varying needs of our members and the need for fairness between members.

These fees and our charge out rates are based on the fact that we specialise in this area, that we are a not-for-profit employer membership organisation, and we are driven by providing a cost-effective service to you our members. They are mainly based on the time spent on your issue but may also reflect a charge for urgency and value to member.

Time is recorded in in 15-minute segments and is charged at the following rates (**GST to be added**):

| | |
|---------------------------------|----------------|
| David Browne (General Counsel) | \$300 per hour |
| Ronda Tokona (Senior Solicitor) | \$280 per hour |
| Kathryn McAuley (Solicitor) | \$240 per hour |

Additional expenses such as overnight travel costs and payments to third parties may also apply although we generally don't charge for travel within Otago and Southland. The person handling your issue will normally be the person who is first point of contact on the matter but may be any member of our team.

We will send you invoices monthly for the services provided in the previous month and are due for payment when rendered. Accounts not paid by the 20th of the month following invoice may incur interest at the rate quoted on your monthly statement.

4. Professional Indemnity Insurance

Business South Inc currently holds Professional Indemnity Insurance which exceeds the current minimum standard specified by the New Zealand Law Society.

5. Lawyers Fidelity Fund

Members are **NOT** covered by this fund because we do not handle money or valuables on behalf of members. We do not receive or hold money or other valuable property on behalf of members nor invest money on behalf of others nor run a trust account nor receive fees or disbursements in advance of an invoice being issued. The Lawyers' Fidelity Fund is designed to provide clients of lawyers with protection against pecuniary loss arising from theft by lawyers where they do provide those services.

6. Complaints

We maintain a procedure for handling member complaints designed to ensure that a complaint is dealt with promptly and fairly. If you have a complaint about our services or charges, you may refer your complaint to the Solicitor or advocate who has or had day to day responsibility for your work, or directly to David Browne, General Counsel, Manager Legal & HR Services (david.browne@business-south.org.nz) or 021 225 6938.

If you do not wish to refer your complaint to that person, or you are not satisfied with that person's response to your complaint, you may refer it to Mike Collins, our Chief Executive Officer, who will ensure it is investigated properly, and a proposed course of action communicated to you. You can do this by letter to PO Box 5713 Dunedin 9058, or by email to mike.collins@business-south.org.nz or by calling him on 021 735 249.

The Law Society also maintains a complaints service and you are able to make a complaint to that service if the work was undertaken by one of our lawyers. To do so you should contact the New Zealand Law Society on Freephone 0800 261 801 or by email at complaints@lawsociety.org.nz or write to PO Box 5041, Wellington 6140, New Zealand or 26 Waring Taylor Street, Wellington.

7. Client Care and Service

By regulation we are required to advise you of the following New Zealand Law Society client care and service information.

Whatever legal services your lawyer is providing, he or she must:

- Act competently, in a timely way, and in accordance with instructions received and arrangements made.
- Protect and promote your interests and act for you free from compromising influences or loyalties.
- Discuss with you your objectives and how they should best be achieved.

- Provide you with information about the work to be done, who will do it and the way the services will be provided.
- Charge you a fee that is fair and reasonable and let you know how and when you will be billed.
- Give you clear information and advice.
- Protect your privacy and ensure appropriate confidentiality.
- Treat you fairly, respectfully and without discrimination.
- Keep you informed about the work being done and advise you when it is completed.
- Let you know how to make a complaint and deal with any complaint promptly and fairly.

The obligations lawyers owe to clients are described in the Rules of Conduct and Client Care for Lawyers. Those obligations are subject to other overriding duties, including duties to the courts and to the justice system.

If you have any questions, please visit www.lawsociety.org.nz or call **0800 261 801**.

8. Limitations on the extent of our obligations or liability

We will advise you specifically of any limitations on the extent of our obligations to you or any limitation or exclusion of liability.

9. Contact details for solicitors and advocates responsible for your work:

| Contact | Mobile | Email |
|-----------------|---------------|---------------------------------------|
| David Browne | 021 225 6938 | david.browne@business-south.org.nz |
| Ronda Tokona | 021 742 490 | ronda.tokona@business-south.org.nz |
| Kathryn McAuley | 021 197 4603 | kathryn.mcauley@business-south.org.nz |

This letter replaces any prior terms and conditions that have been made with you as a member as from the date of this letter.

Yours sincerely



Mike Collins
CEO Business South