



Western Australia

Legal Profession Act 2008

**Legal Practitioners (Public Notaries)
Determination 2009**

Legal Practitioners (Public Notaries) Determination 2009

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Part 1 — Preliminary

1. Citation

- (1) This report may be cited as the *Legal Practitioners (Public Notaries) Report 2009*.
- (2) The determination set out in the Schedule to this report is referred to in this report as the *Legal Practitioners (Public Notaries) Determination 2009*.

Part 2 — Notice and Inquiries

2. Notice under section 278 of the Act

The Legal Costs Committee has complied with the notice provisions of section 278 of the Act.

3. Inquiries and submissions under section 277 of the Act

Before making the *Legal Practitioners (Public Notaries) Determination 2009*, the Legal Costs Committee —

- (a) reviewed all submissions received as a result of the notice given under section 277 of the Act;
- (b) consulted with the Courts, Law Society of Western Australia and the Public Notaries Committee of the Law Society of Western Australia; and
- (c) had regard to the hourly and daily rates applicable under the *Solicitors Costs Determination 2007**.

Part 3 — Report of Committee's conclusions

4. Adjustment in fees

The Legal Costs Committee, for the purposes of administration and accounting convenience, amends all fees in the Scale so that they are divisible by 11 (except photocopying charges).

5. Scale of costs to be adopted

- (1) It is the recommendation of the Legal Costs Committee, after reviewing the information gained as a result of the inquiries and submissions described in clause 3, that the scale of costs set out in the Table to clause 4 of the *Legal Practitioners (Public Notaries) Determination 2009* be adopted for the business of Public Notaries.
- (2) It is the further recommendation of the Committee given that the amendments to the scale of costs in the manner set out in the Table to clause 4 of the *Legal Practitioners (Public Notaries) Determination 2002* were inclusive of any provision for the Goods and Services Tax (GST), the scale of Public Notaries fees continues to be inclusive of GST.

* *[Published in the Government Gazette 27 September 2007]*

Schedule

Legal Profession Act 2008

Legal Practitioners (Public Notaries) Determination 2009

Made by the Legal Costs Committee under section 275 of the *Legal Profession Act 2008* (“the Act”).

1. Citation

This determination may be cited as the *Legal Practitioners (Public Notaries) Determination 2009*.

2. Commencement

This determination comes into operation on 1 June 2009.

3. Interpretation

- (1) This determination applies to the remuneration of a Public Notary for the provision of notarial services.
- (2) This determination does not apply to the remuneration of a Public Notary based on costs incurred in respect of instructions taken before the commencement of this determination.

4. Scale of costs

The fee charged by a Public Notary for providing notarial services shall not exceed the fee for those services set out in the Table to this clause (inclusive of GST).

Table

SCALE OF PUBLIC NOTARIES FEES

Item No.	Matter	Maximum amount \$
1	<i>Affidavits, affirmations and declarations —</i>	
	(a) For administering an oath or affirmation or taking a declaration and for signing the jurat or its equivalent —	
	where there is one deponent or declarant	88
	and for each additional deponent, affirmant or declarant swearing, affirming or declaring at the same time	33

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Item No.	Matter	Maximum amount \$
	(b) For preparing an affidavit, affirmation or declaration verifying the execution of a document by a company or by a person	88
	(c) For preparing a notarial certificate in respect of an oath, affirmation or declaration and for completing the certificate	88
	(d) For completing a second and third certificate (if required)	33
	(e) For preparing an exhibit to an affidavit, affirmation or declaration and for completing an exhibit	33
2	<i>Deeds and other documents —</i>	
	(a) Witnessing and attesting the execution or signing of a deed or other document —	
	where there is one party	88
	and for each additional party signing at the same time	33
	(b) For preparing a notarial certificate in respect of the attestation and for completing the certificate	88
3	<i>Verification of copies of documents —</i>	
	(a) For examining, with the original, a photocopy of the document	33
	for each page exceeding one	5.50
	(b) For examining, with the original, a copy of a document other than a photocopy	66
	(c) For preparing a notarial certificate verifying a copy of a document and for completing the certificate	88
4	<i>Certificates under seal not otherwise prescribed by this scale —</i>	
	For preparing a notarial certificate and for completing the certificate	88
5	<i>Bills of Exchange —</i>	
	(a) For noting a bill of exchange, entering in the register and supplying one copy of note	165
	(b) For presenting bill — a fee for the time so occupied calculated in accordance with the <i>Solicitors Costs Determination 2007*</i> or any subsequent determination made in substitution for that determination.	
	(c) For preparing, issuing and entering a protest of a bill of exchange and supplying one copy of protest	165

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Item No.	Matter	Maximum amount \$
	together with the reasonable disbursements necessarily incurred in connection with any of those services	
6	<i>Ship's protests</i> —	
	(a) Preparing and attesting a ship's protest including three copies (if required)	220
	(b) Preparing and attesting extension of ship's protest	220
7	<i>Duplicates</i> —	
	Except where otherwise provided, for more than one copy of any of the above notarial documents completed at the same time —	
	for each copy (after the first) up to ten — one half of the prescribed fee	
	for each copy (after the tenth) — one quarter of the prescribed fee	
8	<i>Miscellaneous services</i> —	
	For instructions, attendances, correspondence, drawing, engrossing, travel and all other services not covered by this scale, or, if so covered, for matters involving unusual work or difficulty —	
	a fee calculated in accordance with the <i>Solicitors Costs Determination 2007</i> * or any subsequent determination made in substitution for that determination, having regard to the time skill and responsibility involved	1.00 per page
	For photocopies where necessary, including of documents for which allowance is otherwise made in this Determination	

* *[Published in the Government Gazette 27 September 2007.]*

Notes

¹ This is a compilation of the *Legal Practitioners (Public Notaries) Determination 2009*. The following table contains information about that determination.

Compilation table

Citation	Gazettal	Commencement
<i>Legal Practitioners (Public Notaries) Determination 2009</i>	27 May 2009 p. 1826-8 (correction 24 Dec 2009 p. 5301)	1 Jun 2009 (see cl. 2)