



Western Australia

Legal Profession Act 2008

**Legal Practitioners (Public Notaries)  
Determination 2013**



## **Legal Practitioners (Public Notaries) Determination 2013**

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## **Legal Practitioners (Public Notaries) Determination 2013**

### **Part 1 — Preliminary**

#### **1. Citation**

- (1) This Report may be cited as the *Legal Practitioners (Public Notaries) Report 2013*.
- (2) The determination set out in the Schedule to this Report is referred to in this Report as the *Legal Practitioners (Public Notaries) Determination 2013*.

## **Part 2 — Notice and enquiries**

**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 2013* 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, Western Australian Bar Association and the Public Notaries Society of Western Australia;
- (c) considered the rates payable for similar work in other Australian jurisdictions; and
- (d) has considered the hourly and daily rates applicable under the *Solicitors Costs Determination 2013*\*.

### **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 2013* 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.

\* [To be published in the Government Gazette on or about the same time as the *Legal Practitioners (Public Notaries) Determination 2013*]

## **Schedule**

*Legal Profession Act 2008*

*Legal Practitioners (Public Notaries) Determination 2013*

**1. Citation**

This Determination may be cited as the *Legal Practitioners (Public Notaries) Determination 2013*.

**2. Commencement**

This Determination comes into operation on 1 July 2013.

**3. Application**

- (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**

<b>Item No</b>	<b>Matter</b>	<b>Maximum amount \$</b>
<b>1</b>	<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	121



<b>Item No</b>	<b>Matter</b>	<b>Maximum amount \$</b>
	and for each additional deponent, affirmant or declarant swearing, affirming or declaring at the same time	66
	(b) For preparing an affidavit, affirmation or declaration verifying the execution of a document by a company or by a person	121
	(c) For preparing a notarial certificate in respect of an oath, affirmation or declaration and for completing the certificate	121
	(d) For completing a second and third certificate (if required)	66
	(e) For preparing an exhibit to an affidavit, affirmation or declaration and for completing an exhibit	66
<b>2</b>	<b><i>Deeds and other documents —</i></b>	
	(a) Witnessing and attesting the execution or signing of a deed or other document —	
	where there is one party	121
	and for each additional party signing at the same time	66
	(b) For preparing a notarial certificate in respect of the attestation and for completing the certificate	121
<b>3</b>	<b><i>Verification of copies of documents —</i></b>	
	(a) For examining, with the original, a photocopy of the document	66
	for each page exceeding one	6.60
	(b) For examining, with the original, a copy of a document other than a photocopy	121

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Schedule**

**cl. 4**

<b>Item No</b>	<b>Matter</b>	<b>Maximum amount \$</b>
	(c) For preparing a notarial certificate verifying a copy of a document and for completing the certificate	121
<b>4</b>	<b><i>Certificates under seal not otherwise prescribed by this scale —</i></b>  For preparing a notarial certificate and for completing the certificate	121
<b>5</b>	<b><i>Bills of Exchange —</i></b>  (a) For noting a bill of exchange, entering in the register and supplying one copy of note  (b) For presenting bill—a fee for the time so occupied calculated in accordance with the <i>Solicitors Costs Determination 2011*</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  together with the reasonable disbursements necessarily incurred in connection with any of those services	187      187
<b>6</b>	<b><i>Ship's protests —</i></b>  (a) Preparing and attesting a ship's protest including three copies (if required)  (b) Preparing and attesting extension of ship's protest	242  242
<b>7</b>	<b><i>Duplicates —</i></b>  Except where otherwise provided, for more than one copy of any of the above notarial documents completed at the same time —	

**Legal Practitioners (Public Notaries) Determination 2013**  
**Schedule**

cl. 4

Item No	Matter	Maximum amount \$
	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	<p><i>Miscellaneous services</i> —</p> <p>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 —</p> <p style="padding-left: 40px;">a fee calculated in accordance with the <i>Solicitors Costs Determination 2011</i>* or any subsequent determination made in substitution for that determination, having regard to the time skill and responsibility involved</p> <p>For photocopies where necessary, including of documents for which allowance is otherwise made in this Determination</p>	1.00 per page

\*[Published in the Government Gazette 24 June 2011]

**Notes**

- <sup>1</sup> This is a compilation of the *Legal Practitioners (Public Notaries) Determination 2013*. The following table contains information about that determination.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Legal Practitioners (Public Notaries) Determination 2013</i>	18 Jun 2013 p. 2330-2	1 Jul 2013 (see cl. 2)