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LEGAL PROFESSION ACT 2008

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**LEGAL PRACTITIONERS  
(PUBLIC NOTARIES) REPORT  
AND DETERMINATION 2011**



**LEGAL PROFESSION ACT 2008****LEGAL PRACTITIONERS (PUBLIC NOTARIES) REPORT 2011**

Made by the Legal Costs Committee under Division 5 of Part 10 of the *Legal Profession Act 2008* ("the Act").

**PART 1—PRELIMINARY****Citation**

1. (1) This report may be cited as the *Legal Practitioners (Public Notaries) Report 2011*.
- (2) The determination set out in the Schedule to this report is referred to in this report as the *Legal Practitioners (Public Notaries) Determination 2011*.

**PART 2—NOTICE AND INQUIRIES****Notice under section 278 of the Act**

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

**Inquiries and submissions under section 277 of the Act**

3. Before making the *Legal Practitioners (Public Notaries) Determination 2011* 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) had regard to the hourly and daily rates applicable under the *Solicitors Costs Determination 2011*\*.

**PART 3—REPORT OF COMMITTEE'S CONCLUSIONS****Adjustment in fees**

4. 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).

**Scale of costs to be adopted**

5. (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 2011* 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 24 June 2011]

TED SHARP, Chairman.  
ANGELA GAFFNEY, Member.  
CLARE THOMPSON, Member.  
MARCUS COCKER, Member.  
JANICE DUDLEY, Member.  
MATTHEW CURWOOD, Member.

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**Schedule****LEGAL PROFESSION ACT 2008****LEGAL PRACTITIONERS (PUBLIC NOTARIES) DETERMINATION 2011**

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

**Citation**

1. This determination may be cited as the *Legal Practitioners (Public Notaries) Determination 2011*.

**Commencement**

2. This determination comes into operation on 1 November 2011.

**Application**

3. (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.

**Scale of costs**

4. 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<br>\$                |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1       | <b><i>Affidavits, affirmations and declarations—</i></b><br>(a) For administering an oath or affirmation or taking a declaration and for signing the jurat or its equivalent—<br>where there is one deponent or declarant<br>and for each additional deponent, affirmant or declarant swearing, affirming or declaring at the same time<br>(b) For preparing an affidavit, affirmation or declaration verifying the execution of a document by a company or by a person<br>(c) For preparing a notarial certificate in respect of an oath, affirmation or declaration and for completing the certificate<br>(d) For completing a second and third certificate (if required)<br>(e) For preparing an exhibit to an affidavit, affirmation or declaration and for completing an exhibit | 110<br>55<br>110<br>110<br>55<br>55 |
| 2       | <b><i>Deeds and other documents—</i></b><br>(a) Witnessing and attesting the execution or signing of a deed or other document—<br>where there is one party<br>and for each additional party signing at the same time<br>(b) For preparing a notarial certificate in respect of the attestation and for completing the certificate                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 110<br>55<br>110                    |
| 3       | <b><i>Verification of copies of documents—</i></b><br>(a) For examining, with the original, a photocopy of the document<br>for each page exceeding one<br>(b) For examining, with the original, a copy of a document other than a photocopy<br>(c) For preparing a notarial certificate verifying a copy of a document and for completing the certificate                                                                                                                                                                                                                                                                                                                                                                                                                             | 55<br>5.50<br>110<br>110            |
| 4       | <b><i>Certificates under seal not otherwise prescribed by this scale—</i></b><br>For preparing a notarial certificate and for completing the certificate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 110                                 |
| 5       | <b><i>Bills of Exchange—</i></b><br>(a) For noting a bill of exchange, entering in the register and supplying one copy of note<br>(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<br>(c) For preparing, issuing and entering a protest of a bill of exchange and supplying one copy of protest<br>together with the reasonable disbursements necessarily incurred in connection with any of those services                                                                                                                                                                                                           | 176<br>176                          |
| 6       | <b><i>Ship's protests—</i></b><br>(a) Preparing and attesting a ship's protest including three copies (if required)<br>(b) Preparing and attesting extension of ship's protest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 231<br>231                          |
| 7       | <b><i>Duplicates—</i></b><br>Except where otherwise provided, for more than one copy of any of the above notarial documents completed at the same time—<br>for each copy (after the first) up to ten<br>- one half of the prescribed fee<br>for each copy (after the tenth)<br>- one quarter of the prescribed fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                     |

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |               |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 8 | <p><b><i>Miscellaneous services—</i></b><br/>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—<br/>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<br/>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]*

Made by the Legal Costs Committee on 17 October 2011.