



Western Australia

Legal Practitioners Act 1893

**Legal Practitioners (Disbursements)
Determination 1997**

Legal Practitioners (Disbursements) Determination 1997

Contents

Part 1 — Preliminary			
1.	Citation		2
2.	Application		2
3.	Reasons for amendments		2
Part 2 — Workers' Compensation			
4.	Principal determination		3
5.	Clause 9 deleted		3
6.	Schedule 1 amended		3
	8 Disbursements	3	
7.	Schedule 2 amended		3
	9 Disbursements	4	
Part 3 — Local Court			
8.	Principal determination		5
9.	Clause 17 deleted		5
10.	Schedule amended		5
	32. Disbursements	5	
Part 4 — District Court Appeals			
11.	Schedule amended		6
	10. Disbursements	6	
Part 5 — Supreme Court			
12.	Schedule amended		7
	29. Disbursements	7	

Contents

Notes

Compilation table

8

Western Australia

Legal Practitioners Act 1893

**Legal Practitioners (Disbursements)
Determination 1997**

Made by the Legal Costs Committee under section 58W of the Act..

Part 1 — Preliminary

1. Citation

This determination may be cited as the *Legal Practitioners (Disbursements) Determination 1997*.

2. Application

This determination applies to disbursements prescribed under the determinations referred to in Parts 2 — 5 of this determination.

3. Reasons for amendments

- (1) The decision of the Full Court of the Supreme Court of Western Australia in *Klahn v Talbot* (unreported, 12 September 1996) questioned the power of the Committee to prescribe costs with respect to disbursements.
- (2) The Committee considers that the amendment of section 58W of the Act by section 3(2) of the *Acts Amendment (Legal Costs) Act 1997* gives the Committee power to make a determination with respect to —

“

.....expenses properly incurred in the course of, or in connection with, business carried out by a practitioner for a client, whether incurred —

- (a) by the practitioner on behalf of the client; or
- (b) by the client.

”.

Part 2 — Workers' Compensation

4. Principal determination

In this Part the *Legal Practitioners (Workers' Compensation) (Review Proceedings and Compensation Magistrate's Court) Determination 1997** is referred to as the principal determination.

**[Published in the Government Gazette on 23 June 1997 at pp.2063-9]*

5. Clause 9 deleted

Clause 9 of the principal determination is deleted.

6. Schedule 1 amended

Schedule 1 of the principal determination is amended by inserting after item 7 the following item —

“

8 Disbursements

In addition to the fees and charges allowed under this determination —

- (a) as between practitioner and client, a practitioner may charge and be allowed disbursements necessarily or reasonably incurred; and
- (b) as between party and party, a party may be allowed disbursements necessarily or reasonably incurred.

”.

7. Schedule 2 amended

Schedule 2 of the principal determination is amended by inserting after item 8 the following item —

“

9 Disbursements

In addition to the fees and charges allowed under this determination -

- (a) as between practitioner and client, a practitioner may charge and be allowed disbursements necessarily or reasonably incurred; and
- (b) as between party and party, a party may be allowed disbursements necessarily or reasonably incurred.

”.

Part 3 — Local Court

8. Principal determination

In this Part the *Legal Practitioners (Local Court) (Contentious Business) Determination 1997** is referred to as the principal determination.

**[Published in the Government Gazette on 25 March 1997 at pp. 1607-16]*

9. Clause 17 deleted

Clause 17 of the principal determination is deleted.

10. Schedule amended

The Schedule to the principal determination is amended by inserting after item 31. the following item —

“

32. Disbursements

In addition to the fees and charges allowed under this determination -

- (a) as between practitioner and client, a practitioner may charge and be allowed disbursements necessarily or reasonably incurred; and
- (b) as between party and party, a party may be allowed disbursements necessarily or reasonably incurred.

”.

Part 4 — District Court Appeals

11. Schedule amended

The Schedule to the *Legal Practitioners (District Court Appeals) (Contentious Business) Determination 1996** is amended by inserting after item 9. the following item —

“

10. Disbursements

In addition to the fees and charges allowed under this determination —

- (a) as between practitioner and client, a practitioner may charge and be allowed disbursements necessarily or reasonably incurred; and
- (b) as between party and party, a party may be allowed disbursements necessarily or reasonably incurred.

”.

* [Published in the *Government Gazette* on 20 December 1996 at pp. 7077-80]

Part 5 — Supreme Court

12. Schedule amended

The Schedule to the *Legal Practitioners (Supreme Court) (Contentious Business) Determination 1996** is amended by deleting item 29. and substituting the following item —

“

29. Disbursements

In addition to the fees and charges allowed under this determination —

- (a) as between practitioner and client, a practitioner may charge and be allowed disbursements necessarily or reasonably incurred; and
- (b) as between party and party, a party may be allowed disbursements necessarily or reasonably incurred.

”.

** [Published in the Government Gazette on 20 December 1996 at pp. 7081-87]*

Notes

¹ This is a compilation of the *Legal Practitioners (Disbursements) Determination 1997* as set out in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Legal Practitioners (Disbursements) Determination 1997</i>	16 Dec 1997 p. 7333-4	16 Dec 1997