



Western Australia

Legal Practitioners Act 1893

**Legal Practitioners (Effect On Costs of A New
Tax System (Goods and Services Tax))
Determination 2000**

As at 15 Sep 2000

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Tax System (Goods and Services Tax))
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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 (Effect On Costs of A New Tax System (Goods and Services Tax)) Determination 2000*.

2. Commencement

This determination shall take effect on and from the date of publication of the *Legal Practitioners (Effect On Costs of A New Tax System (Goods and Services Tax)) Report 2000* in the *Gazette*.

3. Application

- (1) Subject to subclause (2) this determination applies to remuneration of practitioners in respect of any of the matters referred to in the determinations set out in the Table to this Clause 3.

Table to Clause 3

Determination	Date of publication in the <i>Gazette</i>
Public Notaries Determination 1999	21 October 1999 pp. 5147-49
Official Prosecutions (Defendants' Costs) Determination 1999	17 September 1999 p. 4579
Supreme Court (Contentious Business) Determination 1999	15 June 1999 pp. 2563-69
District Court Appeals (Contentious Business) Determination 1999	11 May 1999 pp. 1901-02
Solicitors Costs Determination 1998	12 August 1998 pp. 4385-89
Legal Practitioners (Workers' Compensation) (Conciliation Proceedings, Review Proceedings and Compensation Magistrate's Court) Determination 2000	23 June 2000 pp. 3240-47

Legal Practitioners (Local Court) (Contentious Business) Determination 2000	14 April 2000 pp. 1908-13
Legal Practitioners (Petty Sessions) (Contentious Business) Determination 2000	14 April 2000 p. 1915
Solicitors Non-Contentious Probate Costs Determination 1998	12 August 1998 p. 4384

- (2) This determination does not apply to the remuneration of practitioners based on a written agreement as to costs under section 59 of the *Legal Practitioners Act 1893*.

Part 2 — Determination by Committee

4. Adjustment of maximum remuneration for effect of GST

- (1) The Committee reviewed the information referred to in clause 4 of the *Legal Practitioners (Effect on Costs of A New Tax System (Goods and Services Tax)) Report 2000* and determined that where any of the determinations referred to in the Table to Clause 3 provides for a maximum remuneration, that maximum shall be read and construed to apply unless an excess is justifiable under subclause (2).
- (2) If the remuneration which a practitioner may charge is limited by any of the determinations referred to in the Table to Clause 3, then the practitioner may add on to the amount which is so limited no more than is necessary to offset the consequences of the *New Tax System* changes (and no other changes). In determining an amount that may be added on regard shall be had to the guidelines referred to in the *New Tax System Price Exploitation Code*.
- (3) “*New Tax System* changes” has the meaning given by the *New Tax System Price Exploitation Code* as applied by the *New Tax System Price Exploitation Code (Western Australia) Act 1999*.

Notes

- ¹ This is a compilation of the *Legal Practitioners (Effect On Costs of A New Tax System (Goods and Services Tax)) Determination 2000* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Legal Practitioners (Effect On Costs of A New Tax System (Goods and Services Tax)) Determination 2000</i>	15 Sep 2000 p. 5411-5	15 Sep 2000 (see cl. 2)