



Western Australia

Legal Practitioners Act 1893

**Legal Practitioners (Petty Sessions) (Contentious  
Business) Determination 2000**

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As at 01 May 2000

Version 00-a0-11

Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)



# **Legal Practitioners (Petty Sessions) (Contentious Business) Determination 2000**

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Legal Practitioners Act 1893

**Legal Practitioners (Petty Sessions) (Contentious  
Business) Determination 2000**

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

**LEGAL PRACTITIONERS ACT 1893**

**LEGAL PRACTITIONERS (PETTY SESSIONS) (CONTENTIOUS  
BUSINESS) REPORT 2000**

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

**Part 1 — Preliminary**

**1. Citation**

- (1) This report may be cited as the *Legal Practitioners (Petty Sessions) (Contentious Business) Report 2000*.
- (2) The determination set out in the Schedule to this report is referred to in this report as the *Petty Sessions (Contentious Business) Determination 2000*.

## **Part 2 — Notice and Inquiries**

### **2. Notice under section 58Y of the Act**

The Legal Costs Committee has complied with the notice provisions of section 58Y of the Act.

### **3. Inquiries and submissions under section 58Y of the Act**

Before making the *Petty Sessions (Contentious Business) Determination 2000* the Legal Costs Committee —

- (a) reviewed all submissions received as a result of the notice given under section 58Y of the Act;
- (b) consulted with the Court;
- (c) consulted with the Law Society of Western Australia (Inc.);
- (d) conducted a survey of the regulation of the remuneration of practitioners in respect of contentious business carried out by practitioners in courts of petty sessions in other jurisdictions within Australia.

## **Part 3 — Report of Committee's Conclusions**

### **4. Hourly rates introduced**

- (1) The Legal Costs Committee noted that the jurisdiction of the Court of Petty Sessions covers a wide range of civil and criminal matters from the consideration of dividing fence disputes between land owners to offences against the provisions of Acts of Parliament, by-laws and regulations made pursuant to them.
- (2) As a consequence of this position stated in sub-clause (1), the Legal Costs Committee considers it is appropriate for a general scale of fees based on hourly rates to be applied to the time reasonably taken to perform the services provided by a practitioner in, or for the purposes of contentious business in the Court of Petty Sessions.
- (3) 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 hourly rates charged by practitioners under the *Legal Practitioners (Local Court) (Contentious Business) Determination 2000* should be adopted as the basis for costs for the supply of legal services covered under the *Petty Sessions (Contentious Business) Determination 2000*.
- (4) The hourly rates referred to in subclause (3) are set out in the Table to clause 4 of the *Petty Sessions (Contentious Business) Determination 2000*.
- (5) The recommendations of the Legal Costs Committee are not intended to override the entitlements of a practitioner to make a written agreement as to costs with a client under the *Legal Practitioners Act 1893*.



## **Schedule**

### **LEGAL PRACTITIONERS ACT 1893**

#### **PETTY SESSIONS (CONTENTIOUS BUSINESS) DETERMINATION 2000**

Made by the Legal Costs committee under section 58W of the Act

**1. Citation**

This determination may be cited as the *Petty Sessions (Contentious Business) Determination 2000*.

**2. Commencement**

This determination comes into operation on 1 May 2000.

**3. Application**

- (1) This determination applies to the remuneration of practitioners in respect of contentious business carried out by practitioners in or for the purposes of proceedings in a Court of Petty Sessions.
- (2) This determination does not apply to the remuneration of practitioners based on costs incurred in respect of instructions taken before the commencement of this determination.

**4. Hourly rates**

The hourly rates set out in the Table to this clause are the maximum hourly rates which the Legal Costs Committee determines shall be used to calculate the remuneration of practitioners in respect of time reasonably taken to perform services in or for the purposes of contentious business carried out by practitioners for the purposes of proceedings before a Court of Petty Sessions.

**Table**

<b>Fee Earner</b>	<b>Rates</b>
Practitioner (admitted for more than 5 years ) (SP)	— hourly rate \$215
Junior Practitioner (admitted for less than 5 years) (JP)	— hourly rate \$150
Clerk/Paralegal	

**Schedule**

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(CPL)

— hourly rate    \$65

**Notes**

- <sup>1</sup> This is a compilation of the *Legal Practitioners (Petty Sessions) (Contentious Business) Determination 2000* as set out in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Legal Practitioners (Petty Sessions) (Contentious Business) Determination 2000</i>	14 Apr 2000 p. 1914-5	1 May 2000 (see cl. 2)