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LEGAL PRACTITIONERS ACT 1893

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**LEGAL PRACTITIONERS  
(DISBURSEMENTS)  
DETERMINATION 1997**



**LEGAL PRACTITIONERS ACT 1893****LEGAL PRACTITIONERS (DISBURSEMENTS) DETERMINATION 1997**

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

**PART 1—PRELIMINARY****Citation**

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

**Application**

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

**Reasons for amendments**

3. (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****Principal determination**

4. 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. 2063-69]

**Clause 9 deleted**

5. Clause 9 of the principal determination is deleted.

**Schedule 1 amended**

6. 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.

”

**Schedule 2 amended**

7. 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****Principal determination**

8. 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]

**Clause 17 deleted**

9. Clause 17 of the principal determination is deleted.

**Schedule amended**

10. 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

**Schedule amended**

11. 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

**Schedule amended**

12. 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]

Dated at Perth 9 December 1997.

TED SHARP, Chairman.  
CHRIS PULLIN QC, Deputy Chairman.  
ANGELA GAFFNEY, Member.  
JILL VANDER WAL, Member.  
JASON BERRY, Member.  
PATRICK COWARD, Member.